(1) Supreme Court, U.S.
FILED

001211 SEP 25 [redacted]

CASE NO: OFFICE OF THE CLERK

In The
SUPREME COURT OF THE UNITED STATES
October Term 1999

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

V.

WALT DISNEY CONCERT HALL NO. 1 et. al.
of which only: Latham & Watkins, John P. (Jack) Walker, Jr.; William J. Meeske and Vincent Herron, are Respondents,

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On Petition for Writ of Certiorari
To The U.S. COURT of APPEALS for THE NINTH CIRCUIT
Docket No. 99-15702
[Related Cases Docket No.. 00 -70779 & 99 15135]

PETITION FOR WRIT OF CERTIORARI

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RESPONDENTS:
LATHAM & WATKINS; JOHN P. (JACK) WALKER, JR.
WILLIAM J. MEESKE; VINCENT HERRON
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63pp

QUESTIONS PRESENTED:

1.Should *SELF REPRESENTATION* be disallowed in civil RICO/Civil Rights litigation ?

2. Just because the judge does not want to believe a Pro Se litigant that, there exists, a *"pattern of racketeering activity"* under RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), should attorney's, in a behemoth law firm, be allowed to defraud their own client, through a RICO conspiracy and escape civil/criminal liabilities, by way of a Summary Judgment dismissal with prejudice, when facts are in dispute, including the fact that they are in Default?

3. Should Summary Judgment dismissal with prejudice, pardon the behemoth law firm and it's attorney's who are RICO Conspirators, without a trial, when they are in Default, leaving 32 other Defendants in the Case ?

4. When, Petitioner was subsequently allowed to amend, and in his First Amended RICO/Civil Rights Complaint, included allegations of Civil Rights deprivations, combined with RICO violations, which encompassed the same *"pattern of racketeering activity"*, isn't Petitioner entitled to recovery from all RICO Conspirators, including those in Default, in a statutorily mandated jury trial under 42 USC 1983 et. seq., when *state actors under color of law*, were shown to have been bribed, which directly caused civil damages to Petitioner, and their counsel admitted that fact ?

5. Should the Ninth Circuit Court of Appeals be allowed to ignore, Pro Se Appellant's Constitutional rights to: (a) due process; (b) Appellees being in Default; (c) discovery; (d) the absolute right to recovery of what was illegally taken from him through fraud; (e) the statutory grant of a jury trial under 42 USC Sect. 1983, and (f) the right to liberally amend the Complaint, if an amendment is all that is needed ?

6. How much *exclusion to due process, pomposity & discrimination,* should federal judges be allowed, facing genuine claims of existing Default, clearly evident on the docket, RICO/Civil Rights violations shown by a Pro Se litigant, a U.S. citizen, with a foreign name & who should they protect ?

LIST OF PARTIES TO THE PROCEEDING:

DEFENDANTS: There are 36 Defendants, in the Subject RICO/Civil Rights Case, No. 98 21139 RMW, U.S. District Court, Northern District of California, San Jose Division, the following group of 4 Defendants, are Appellees in the subject Appeal, from a Summary Judgment dismissal, Docket No. 99-15702 U.S.C.A. for the Ninth Circuit.

The other 32 Defendants are Appellees, in related Appeal from, dismissal with prejudice, Docket No 99-15135 U.S.C.A. for the Ninth Circuit.

(a). Latham & Watkins (L&W), in it's capacity before it became a Calif. Limited Liability Partnership, and subsequently.

(b). John P. (Jack) Walker, Jr. (Walker), attorney at L&W.

(c).William J. Meeske (Meeske), attorney at L&W.

(d). Vincent Herron (Herron), attorney at L&W.

The Above Four (4) Defendants are Represented by:
William J. Meeske, Latham & Watkins
633 West Fifth Street, Suite 4000
Los Angeles, California, 90071,
Tel. No. (213) 485 1234

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July 13, 2000 - Opinion of 9th Cir. Court Clerk, regarding Appellant's Petition for 2nd. Rehearing. (see Appendix pg. 32)

June 28, 2000 - Order of U.S.C.A. for the Ninth Circuit, before: Kozinski, Rymer and Fisher, Circuit Judges, denying Petitioner's petition for panel rehearing and for rehearing en banc. (see Appendix pg. 33)

May 3, 2000 - Memorandum of U.S.C.A. for the Ninth Circuit,Submitted April 17, 2000 before Kozinski,Rymer and Fisher, Circuit Judges (See Appendix pg.35-36)

EXCERPTS FROM PROCEEDINGS DOCKET SHOWING CLEAR EVIDENCE OF DEFAULT BY L&W, WALKER, MEESKE, HERRON & OTHERS
(See Appendix pg. 37-44)

U.S.C.A. Docket No. 00-80015 - PETITIONERS COMPLAINT OF MENTAL DISABILITY/ JUDICIAL MISCONDUCT OF DISTRICT COURT JUDGE, (see Appendix pg. 44-54)

IN THE SUPREME COURT OF CALIF. No. S 085523
2nd. APPELLATE DISTRICT, DIVISION FIVE, NO B119354

March 1, 2000 Order of Chief Judge Ronald George, denying Petitioner's petition for review, of the Appellate

Court of the State of California. [1/] (see Appendix pg. 55)

CALIFORNIA STATE BAR VERIFICATION OF IMPERSINATOR ALAN HARRIS POSING AS ATTORNEY
(see Appendix pg. 56)

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1 / Prior to the 90 day time for petitioning this Court for a writ of certiorari to review that judgment, entered by the Supreme Court of California, Petitioner removed the L&W malpractice and professional negligence case on May 25,2000 to a federal court where the federal issues of bankruptcy fraud, RICO/Civil Rights/Antitrust/ Securities fraud, should have been brought in the first place. That case is now pending transfer to the U.S. District Court, N.D. Calif, San Jose Division, where personal jurisdiction lies.

STATEMENT of JURISDICTION:

Jurisdiction is found in 28 USC Sect. 1257. Review is sought from the final Order of the U.S.C.A for the Ninth Circuit, dated and entered on June 28, 2000, denying Petition for Rehearing (90 days hence, is Sept. 26, 2000). This Ninth Circuit Court decision is in conflict with all other United States Court's of Appeal, on the same important matter, the 9th Circ. has so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by the U.S. District Court, as to call for an exercise of this Court's supervisory power under 28 USC 1254 and Sect. 1651(a).

STATEMENT OF THE CASE:

This is a case wherein L&W, Walker, Meeske and Herron, were in Default, pursuant to Declaration of Service of Summons & Rico Complaint, made under penalty of perjury, wherein Angela Naskar declared that she served all four of the above named parties on Dec. 7, 1998 @ 11:10 a..m., with the Complaint and a U.S. District Court form; *Summons in a Civil Action,* wherein each one of them was individually summoned and required to answer the Complaint within 20 days, as was shown on the face of the summons, signed by the Deputy Clerk. These four Defendants failed to answer or file any pleadings whatsoever in the specified time. All four, were unquestionably in Default.

Petitioner, filed "Proposed Default by Clerk, and Default Judgment by Court", in a timely manner, but both were ignored by the District Court. The Presiding Judge proceeded in utter error when he denied Petitioner's *"Request to Enter Default: Declaration of Proof of Default by Defendants; L&W, Walker, Meeske, Herron and other Defendant's"*, filed on Jan 4, 1999. (See Appendix pg.37 items #21-23,

dated 12/29/9 clearly showing default & items #27-53.) The judge, accepted the defaulted parties papers anyway, upon which the Court made a subsequent Order on Summary Judgment, without required notice to Petitioner, as required by Local Rule 56. The judge then dismissed Petitioner's RICO case against L&W, Walker, Meeske and Herron, with prejudice.

The Ninth Circuit Court of Appeals was provided the same facts and all of the required documents in the Excerpts of Record which were submitted by Petitioner. The Ninth Circuit was also biased against a Pro Se Litigant, favoring the behemoth L&W law firm and the familiar face of Walker, who is an icon at the Ninth Circuit. As a result that Court of Appeals, failed to comply with all other Court's of Appeal, and failed to grant Petitioner's Appeal on that simple and straightforward cause of Default.

From that very first encounter, U.S. District Court Judge, Ronald. M. Whyte, was biased and against Petitioner, in violation of Gen.Order 40. Furthermore, he usurped the case from the Hon. Jeremy Fogel, to whom the Court Clerk assigned the RICO Case, at random, at the time of filing (See Appendix pg. 37, item #2 dated 11/16/98).

Petitioner, during the course of Case No. 98-1924 and 98-1955, in this Court, made a Motion for Consolidation of two Cases on Appeal at the California Court of Appeal & 9th Cir. Court of Appeals, with Cases, 98-1924 and 98-1955, on June 16, 1999, wherein the above *"default documents"* were all included in Petitioner's Excerpts of Record, provided to this Supreme Court.

Unfortunately, this Court refused to consider these extremely significant and simple violations of Federal Rules of Civil Procedure. Had it intervened 15 months ago, it would have certainly ordered remand for jury trial. It is suspected that the reason why, it did not, simply put was, "because Petitioner

is a Pro Se litigant."

In the event this Court did not keep copies of the above Motion, Petitioner has several copies in his possession. He is willing to provide as many as he has, to this Court. Therein evidentiary proof exists, clearly showing that the issue of fraud presented there against these Defaulted parties is all that, is required for the Supreme Court to vacate The Ninth Circuit Court of Appeals Mandate. This case should then be remanded back to the Northern District Court of Calif. of Judge Jeremy Fogel for a RICO/Civil Rights jury trial. Further obstruction of justice should not be allowed to delay justice for Petitioner's recovery, by reason of the facts, explained to the best of his, *Pro Se ability*, as follows:

HISTORICAL BACKGROUND 1986 -1992:
BANKRUPTCY FRAUD PREVAILED IN THE *FIRST INSTANCE* -

Petitioner was defrauded of approximately $114,852,530 worth of land and capital - through false representations that his Attorney's at Latham & Watkins ("L&W") were representing his best interests, when Petitioner was the sole owner of that land, and later when he became a majority (80%) owner in a Calif. Limited Partnership.

At all relevant times, L&W and their recommended consultants, fraudulently charged Petitioner in excess of $876,320.88 in legal fees, which he paid, during the course of six years, from July 1, 1986 until July 8, 1992.

It was unknown to Petitioner that, at all relevant time, L&W was also representing the Walt Disney Company. That fact was purposely, not ever revealed to Petitioner. That was an irreconcilable conflict of interest, constituting fraud, which by all standards, including California law, should have been disclosed before Petitioner retained L&W.

The conflict of interest stemmed from the fact that L&W knew that Petitioner's sole partner in the

above California Limited Partnership was Sharon Disney Lund ("Sharon"),Walt Disney's daughter. She, at all relevant times, from 1984 to the time of her death in 1993, was an elected member of the Board of Directors, and a paid Executive Officer of the Walt Disney Co.

Sharon's lawyer's, knowing the fact that L&W was working for the Walt Disney Co., recommended to Petitioner that he retain L&W. In so doing and since that time, L&W, through it's then managing partner Walker, associated with the RICO conspiracy, conducted or participated directly or indirectly, in the conduct of that *ENTERPRISE'S* affairs, through a pattern of *"racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d).

Sharon, L&W and her lawyers induced Petitioner to enter into that California Limited Partnership, on May 22, 1987, where he, in good faith, pledged his land and invested capital. Petitioner, at the time, was at the final stages of obtaining Los Angeles County entitlements for a large Golf/Equestrian oriented community, including a luxury resort hotel, to be built on his property. As a direct result of Petitioner's efforts, that property consisting of approximately 700 acres, was valued, prior to entering into the Partnership Agreement, in April of 1987, at $110,000,000.

Sharon, her lawyer's, L&W and Walker, also failed to disclose to Petitioner, before he pledged his land and invested capital, the fact that Sharon, her mother Lillian B. Disney and her sister Diane Disney Miller, pledged an equivalent amount of money, equal to the value of Petitioner's land, approx. $110,000,000, to the County of Los Angeles for the Walt Disney Concert Hall. Such disclosure was mandated by California Partnership law and called for, in the *"Representations Section"* of that California Limited Partnership Agreement, which her own lawyers authored, but in conspiracy with

L&W, maliciously failed to disclose the Disney ladies $110 million gift. Had that required disclosure been made, Petitioner would have never entered into that Partnership.

Later on, Sharon's lawyer's and the RICO conspiracy interfered with certain provisions of that Partnership Agreement, when they required that Petitioner subordinate $9,289,000 in secured notes owed him by the Partnership, to Sharon's new $5,000,000 loan. Her lawyer's advised her, and Sharon gladly made that loan to the Partnership, with borrowed money from her mother and sister, knowing that she and they could foreclose on the entire $110,000,000 property eventually, if she could delay approvals, at the County of Los Angeles, for Petitioner's project.

In order to accomplish their scheme, Sharon's lawyers, the County of Los Angeles, through it's CEO at the time, Harry Hufford, Michael D. Antonovich, Supervisor of the District where the property is located., Edmund D. Edelman, another Supervisor, L&W, Walker, Sharon's sister, mother and others became associated with the Racketeer *ENTERPRISE*. The RICO Conspiracy became know to Petitioner, for the first time, in January of 1998. It has been identified as the "Sharon D. Lund Enterprise", hereafter referred to as "*ENTERPRISE*".

The scam of the RICO conspiracy was to take over Petitioner's business and prevent Petitioner from obtaining any money from sources other than the Disney women, so that they could and in fact did, cut off all sources of funds and ran the Partnership into Bankruptcy, forcing it to file Chapter 11 on 12-06-89.

The Bankruptcy Court Judge, William J. Lasarow, was corrupted by Sharon's lawyers. It is alleged that, L&W, Walker and his lawyers, working under his direction knew that fact. L&W represented Petitioner's creditor interest's, in which he was owed

in excess of $55,000,000 in claims. L&W prepared those claims, charged Petitioner for that task, but they knew that Lasarow, as part of the RICO conspiracy, had agreed to never approve anything at all, including anything that Petitioner suggested to L&W, to pay off the debts and get the Partnership out of Chapter 11.

Petitioner was blocked by the RICO conspiracy from selling the project at a discounted price of $75,000,000 cash, for which he obtained bone-fide offers. The RICO Conspiracy delayed approvals at the County and objected to all such sales, in Lasarow's Court, which were of course, contingent on those County approvals. It was a classic "textbook" gangster type scam, where the Racketeer's buy a small part of a business, make loans which cannot be repaid, wait for the right moment and then force the original owner out, getting 100% of the ownership for a few cents on the dollar.

For over a year, Petitioner was constantly delayed by the RICO conspiracy. In the Spring of 1991, the plans were to be unveiled for the Walt Disney Concert Hall, at the La Scala Opera House in Milan, Italy.

At the same time, through reapportionment of Los Angeles County, Supervisor Edmund D. Edelman took over a portion of Supervisor Michael D. Antonovich's supervisorial district, in which lay the Partnership's Property. Up until then, Supervisor Antonovich was constantly being "comped" by the Disney ladies with thousands of dollars of free dinners, booze at Club 33, and free tickets at Disneyland in Anaheim Calif., for himself and his friends. In 1997, Petitioner discovered, for the first time, that those "comped" amounts, amounted to staggering sums of money, constituting bribes paid by the Disney ladies to Supervisor Antonovich, who caused delays to Petitioner's project approvals, at the RICO Conspirators

command.

At the same time in 1991, the RICO Conspirators, were working in agreement with the County of Los Angeles' CEO, Harry Hufford, to build the Walt Disney Concert Hall and delay, through the new Supervisor for the district, Edmund D. Edelman, Lasarow L&W, Walker and the other Conspirators, Petitioner's project, to get rid of Petitioner "cheap." They conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961(5), when Sharon's lawyers advised her to breach the Partnership Agreement, with Petitioner, take over as the General Partner, throw out Petitioner by paying him "a few cents on the dollar", of the true value of the Partnership's assets, in violation of RICO, 18 USC Sect. 1962(c)(d) combined with violations of 42 USC Sect's. 1983, 1985 & 1986.

In early May of 1991, Petitioner still was in control of the Partnership. On or about May 5th, there was to be a final Approval by the County of Los Angeles of the entitlements for the Partnership's development. At the last minute, Supervisor Edelman stalled and delayed the approval on an absurd pretext, suggested by the RICO Conspirators, that the Planning Commission should take another look at the Project. The Planning Commission had looked at the project many times since 1978, and County Counsel agreed with Petitioner, that Edelman's move was just another malicious delay.

It was no coincidence that, on May 10th, RICO Conspirators, including Judge Lasarow, had scheduled a hearing for the approval of Sharon's hostile plan for the Reorganized Debtor, through which the RICO Conspirators schemed to illegally accomplish their scam, to throw out Petitioner.

On May 9th Petitioner had the Debtor's counsel, John T. Janosik, file a conversion, from

Chapter 11 to a Chapter 7. Judge Lasarow approved that change on the afternoon of May 9th. That order, in fact, canceled the next day's hearing, and the Chapter 7 Debtor was in the hands of a Trustee. Reorganization in Chapter 7, was and is not allowed to take place. The RICO Conspirators took the law into their own hands to violate the intent of the U.S. Congress, when Lasarow ordered a void reorganization in Chapter 7.

L&W and Walker knew all of the above facts. Also, they had prepared the papers for the Debtor's counsel, in a conflict of interest, for conversion from Chapter 11 to 7. L&W and Walker associated with the *ENTERPRISE*, refused to Appeal that void Order on behalf of Petitioner, who demanded that they Appeal. L&W and Walker, acted in the conduct of the *ENTERPRISE'S* affairs, through a pattern of racketeering activity within the meaning of RICO 18 USC Sect. 1961(5), in violation of 18 USC Sect. 1962 (c)(d).

Later on in 1997, Petitioner discovered, for the first time, that Sharon, her mother and sister paid for Edmund D. Edelman and his wife, in April of 1991, to take them in a private jet to that unveiling of the Walt Disney Concert Hall, in Milan Italy, and on to Paris for the opening of the Euro Disneyland, at a total cost exceeding $200,000.00. The RICO Conspirators at Sharon's law firm, with L&W's and Walker's knowledge, arranged for that trip, which was Edelman's bribe to throw the project back to the Planning Commission, same as Antonovich was bribed earlier for causing similar delays. Thus it was alleged that, state actors who were employees of Los Angeles County and the other Conspirators associated with this *ENTERPRISE*, conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d) & in violation of 42 USC Sect's.

1983, 1985 & 1986.

Approximately seven month later, the RICO Conspirators at Sharon's law firm, arranged with L&W and Walker to pay Petitioner a little over a million dollars net for his entire interest in that Partnership. [1/] That was a fraud, by reason of the fact that, California Limited Partnership's are legally dissolved in a California Superior Court, where fair market value appraisals determine the value of partnership assets. After all expenses are paid, the partner's share in the proceeds according to their respective % interests. Petitioner was a 77.44% owner at that time. An unchallenged MAI Appraisal, made on March 1, 1991, showed the value of the Partnership assets to have been, at that time between $72,000,000 and $92,000,000. The debts to third parties did not exceed $12,000,000 at that time. The RICO Conspirators, including L&W, Walker, through a *"pattern of racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), deprived Petitioner of his rights to a 77.44% share of such net assets, avoiding a required dissolution in state court.

In the conduct of the *ENTERPRISE'S* affairs, L&W, Walker, Michael D. Antonovich, Edmund D. Edelman, Harry Hufford, Walt Disney Concert Hall No. 1 & No. 2, Lasarow, and the other Conspirators,committed common law fraud and Bankruptcy Fraud, in a *"pattern of racketeering activity,"* combined with Civil Right's deprivation, through which they destroyed the true value of Petitioner's 77.44% ownership interest in that

1 / In that fraudulent arrangement, Walker's, L&W's, Debtor's Counsel and all other attorney's and their consultant's, who provided services for the Debtor Partnership, were paid from the funds to have been received by Petitioner, even though Petitioner was indemnified in that California Partnership Agreement by the Partnership, which agreed to pay all such fees and costs, on behalf of Petitioner. Lasarow approved such payments, anyway.

California Limited Partnership. It was dissolved between the partners, by a void Order dated July 1, 1992 made by Conspirator, Lasarow in his Bankruptcy Court, where Lasarow admitted on 4/2/92, he lacked jurisdiction to do so.

Walker and L&W could not take the matter to L.A. County Courts, by reason of the fact L.A. County was a Conspirator in the RICO Conspiracy. Secretly, L. A. County Supervisor Edelman wanted the land for himself.

The above RICO Conspirators, including L&W and Walker, did what they were paid to do by Sharon, her mother, her sister, and Sharon's father's company. In conflict with Petitioner's interest, L&W and Walker, after demanding and getting paid substantial legal fees, with premeditated malice, handed over 100% ownership of Petitioner's valuable assets, to the RICO Conspirators, illegally and without adequate compensation, on July 8, 1992, when they with the other Conspirators conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs, through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), in combination with deprivation of Petitioner's rights to due process under 42 Sect's. 1983, 1985 & 1986.

HISTORICAL BACKGROUND 1992 -1998; ON-GOING RICO/CIVIL RIGHTS VIOLATIONS

Through L&W, Walker and the other Conspirators of the RICO conspiracy, the *ENTERPRISE* continued to conduct, manipulate cover-up and corrupt all subsequent attempts by Petitioner to recover that which they illegally took from him on July 8, 1992. Sharon's lawyers, L&W, Walker, Los Angeles County and later on

Meeske and Herron who, through a *"pattern of racketeering activity"*, within the meaning of RICO, 18 USC Sect, 1961(5), in violation of 1962(c)(d), 1963, 1964 (a)(c), made agreements with some State of California Superior Court judge's and other employees of L.A. County, who are "State Actors" under color of law, to conspire with the other RICO Conspirators to deprive Petitioner of his rights to due process, and the recovery of his ownership of *significant property*, and invested capital, by depriving him of his Civil Rights, in violation of 42 USC Sect's. 1983, 1985 & 1986, causing direct civil damages to Petitioner, combined with 18 USC Sect. 1964(c)(d).

Petitioner recently discovered that, since then; the County of Monterey and it's employee, Judge Richard Silver, acted as a Conspirator with the RICO *ENTERPRISE* [2/] and attorney Bennett

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2 / Similar acts were present in Handeem v. Lemaire, (8th Cir. 1997)112 F3. 1339. Sharon, totally depended on two of her lawyers to control & manage, the on-going Bankruptcy fraud, by L&W, Walker. The complex planning & entitlement process at L.A. County and bribes arranged through, the RICO conspiracy, were beyond Sharon, who had no concept of how the *ENTERPRISE* had to be run, to oust Petitioner. Taking all of Petitioner's real properties, one by one, first in Southern and then in Northern California, was not managed by her. All of it was done by her two lawyers. A general standard has emerged since *Reves v. Ernst & Young - Handeem* argued, an attorney generally does not conduct an enterprise's affairs *"through run-of-the-mill provisions of professional services"* - in the words of the Eighth Circuit in *Handeem* - ***" be mistaken for an absolute edict that an attorney who associates with an enterprise can never be liable under RICO. An attorney's license is not an invitation to engage in racketeering, and a lawyer no less than anyone else is bound by generally applicable legislative enactments. Neither*** Reves ***nor RICO itself exempts professionals, as a class, from the law's proscriptions, and the fact that a defendant has the good fortune to possess the title "attorney at law" is standing alone, completely irrelevant to the analysis dictated by the Supreme Court [in*** Reves***]."***

A. Rheingold. When, in late September of 1996, they deprived Petitioner of due process and ownership of his Carmel Highlands, ocean front property. That *significant one-of-a-kind property* was appraised at the time at $1,850,000. Rheingold and "State Actor" Silver, under color of law, took that property, illegally without paying for it, in violation of 42 USC Sect. 1983. Their acts were part of the same *"pattern of racketeering activity"* within the meaning of 18 USC Sect 1961(5) in violation of 1962(c)(d) taking all real property that belonged to Petitioner, one after another, through an elaborate RICO conspiracy, extortion scheme, which started on Jan. 14, 1991.

This scheme involved a Japanese national, Mr. Park, induced through international mail and wire fraud, by the Conspirators, to pose as a buyer for the Partnership assets.

Park purportedly loaned money, secured by Petitioner's personal property, held in the name of a wholly owned company, United States Building Corp. However, all such obligations between Petitioner, his Company on the one hand and Mr. Park and his Company on the other hand, were legitimately canceled through a signed Cancellation Agreement and Mutual Release, executed by both parties, on Feb. 20, 1991. That document was delivered to Petitioner, to Sharon's lawyers, L&W & Walker in July of 1991, by Park's attorney's with Rheingold's knowledge.

Rheingold, who was "of counsel' to that firm, was aware of that fact. He lied in Judge Silver's Court, in Monterey County that, Petitioner had an obligation to pay Park money when that obligation was known to have been extinguished and totally released. Silver was also aware of the release but allowed Rheingold and his client to illegally foreclose on Petitioner's valuable real property in Monterey County in a "pattern of racketeering activity" within the meaning of RICO USC Sect. 1961(5), in

violation of RICO, 18 USC Sect. 1962(c)(d).

Los Angeles County, was corrupted by the RICO Conspirators to violate RICO Sect. 1962(c)(d) in a similar taking to that which occurred in Monterey County. Petitioner personally owned 33.4 valuable acres, located adjacent to the Partnership's Property, in L.A. County. L.A. County with "State Actors" Supervisor Edmund D. Edelman, Larry Monteilh, Harry Hufford and Joseph Edmiston, of the Santa Monica Mountains Conservancy, and with the assistance of the County Tax Assessor's office re assessed that 33.4 acres without cause, tripling it's assessed value in 1991. Petitioner complained, asking L.A. County Supervisors and the Tax Assessor's office to lower the assessed value and lower the real property taxes to conform to Calif's. Proposition 13, to no avail. L.A. County refused, and took the property from Petitioner without cause, without paying for it, giving it to Joe Edmiston's, Santa Monica Mountain Conservancy, for a Park, in 1997. That Property was combined with all of the Partnership's Property, subsequently to Sharon's untimely death. Now, all of Petitioner's property, once solely owned by him, and which he pledged to the Partnership, is owned by the County of Los Angeles and it is a State of California Park, named the Edmund D. Edelman Park, in honor of the Supervisor, who was bribed by the RICO Conspiracy, to delay Petitioner's entitlements. Naming a State of California Park after him was part of that bribe, by RICO Conspirators.

In 1993, Petitioner filed a legal malpractice and professional negligence action in State Court against L&W, and it's attorney's. That law suit was filed in pro per, but Frederick A. Cone, a licensed California attorney was retained, soon after the suit was filed, to represent Petitioner against L&W. During the course of litigation, unbeknownst to Petitioner, Cone lost his right to practice law, through a felony conviction, which involved, among

other crimes, embezzling his client's trust funds.

Prior to that event, L&W, Walker, and Meeske went judge shopping and replaced two trial judges with the assistance of the RICO Conspirators. Such "Judge Shopping" in the conduct of the *ENTERPRISE'S* affairs became a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961(5), in violation of RICO 18 USC Sect's.1962; 1503; 1510;1511 & 1591.

Subsequently, Petitioner retained attorney, Paul A. Frassetto to represent him against L&W. A few months before a demanded jury trial was to begin, Paul Frassetto called Petitioner to let him know that his firm had merged with William Gwire and the new firm of Gwire and Frassetto was going to take over Petitioner's representation against L&W. Then, when Frassetto was on an extended trip to Malaysia, Bill Gwire asked to meet with Petitioner, in Frassetto's absence. Petitioner agreed to meet Gwire in their new San Francisco offices, where Gwire demanded that his new firm be paid $125,000 in cash to continue representing Petitioner, against L&W.

The retention agreement with Frassetto was breached by Gwire & Frassetto. Petitioner had no intention and no money to pay the $125,000. Gwire & Frassetto substituted out and Petitioner was put back in Pro Per, four months before trial was to begin (November 26, 1997). Petitioner alleges that the RICO conspiracy, through L&W, Walker, Meeske and Herron caused William Gwire to maliciously breach Frassetto's retention agreement. In so doing, Gwire, Frassetto and Gwire and Frassetto violated 18 USC Sect's. 1962(d) and 1964(c)(d), in conspiracy with L&W and in combination with the Clayton Antitrust Act, causing direct civil damages and injury to Petitioner, through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect 1961(5). The Conspirators eliminated competition, through a

monopoly of price fixing in practicing law in state and federal courts. The effect was excluding access to such courts, illegally to, Petitioner, in violation the Sherman and the Clayton Antitrust Acts.

One month before trial was to begin, Petitioner was desperate for legal assistance, he called many attorneys who refused to take the case because; (a) they could not do so on such short notice, (b). they didn't want to take on the behemoth law firm that was L&W, and it's icon Walker.

Petitioner, remembered that Frederick A. Cone, earlier had mentioned that he knew a good legal malpractice attorney in Chicago, who was moving to Los Angeles. Cone told Petitioner that attorney was Alan Harris with the Harris & Ruble law firm. After some negotiations and due diligence by Petitioner on Alan Harris, Petitioner agreed to retain Harris & Ruble on a contingency fee agreement, to represent Petitioner against L&W.

The result was that after Petitioner paid the equivalent of the $20,000 retainer, Alan Harris with his wife and partner Marcela Ruble, with planned premeditated malice, in agreement with the RICO Conspiracy, did not post jury fees as required and failed to oppose 21 motions in limine. Then voluntarily withdrew their firm's representation five days before trial was to begin. With moral turpitude, Superior Court Judge Shook refused to allow Petitioner additional time to post jury fees and/or to replace Harris & Ruble. Shook forced and extorted with threats Petitioner into an unwanted void settlement for a small fraction of recovery of the true value that the malpractice and professional negligence action would have yielded in a jury verdict. L.A. County Superior Court Judge, John P. Shook, a "State Actor" in agreement with the RICO Conspirators, with premeditated malice refused to extend the trial date depriving Petitioner of due process in violation of 42.USC Sect. 1983.

Shook, and Alan Harris, who was not licensed

to practice law in California, he was an Impersonator,as was later discovered (see Appendix pg. 56). Harris conspired with L&W, Walker, Meeske, Herron and the other Conspirators associated with this *ENTERPRISE* conducted or participated directly in, the conduct of the *ENTERPRISE'S* affairs through a pattern of "racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d). Their acts were made in combination with deprivation of Petitioner's rights to due process, by "State Actors" who are employees of L.A. County, who acted as Conspirators in the RICO Conspiracy, in violation of 42 USC Sect's. 1983, 1985 & 1986 and in combination with violations of the Clayton Antitrust Act. Such acts kept Petitioner from access to state court's through a monopoly created by Sharon's lawyers, L&W, Walker, Meeske and Herron, causing direct civil damages and injury to Petitioner.

Further, it was discovered when Petitioner learned Alan Harris' true name, that Dale A. Harris was a major owner in a manufacturing company, located in the State of Illinois, which is a major contractor for products made especially for and licensed by the Walt Disney Co. The same irreconcilable conflict of interest was hidden from Petitioner, as was present before he entered into the retention agreement with L&W, shown above. L&W, Walker, Meeske Herron and Harris with the RICO conspiracy and in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO 18 USC Sect. 1961(5), violated RICO 18 USC Sect's. 1962(c); 1503; 1510; 1511 & 1591.

Fraudulently, Alan Harris and Paul Frassetto, filed lien notices against the settlement proceeds, which were never paid to Petitioner. Alan Harris and Harris & Ruble, coerced by RICO Conspirators, filed a law suit against Petitioner and

his wife claiming, among other things, that both of them owed Harris & Ruble an amount of money which exceeded the total amount that L&W was to pay Petitioner in that invalid, void settlement.

In August of 1998, Alan Harris and Harris & Ruble filed yet another law suit, this time in Beverly Hills, against Petitioner for libel and slander demanding $25,000. Petitioner counter sued, seeking $10,000,000 in damages. The case was to be handled by L.A. County, Commissioner Gerald Rosenberg, to whom Petitioner refused to stipulate. Rosenberg, in conspiracy with the RICO *ENTERPRISE*, attempted to deprive Petitioner of a jury trial. Rosenberg, without jurisdiction, made an Order which dismissed Petitioner's Cross Complaint. Petitioner had the suit transferred to L.A. Superior Court of Judge Charles Rubin, who essentially agreed with Petitioner that Rosenberg had exceeded his authority, and all of his orders were void. Judge Rubin scheduled a Jury Trial, in his court, but refused to reinstate Petitioner's Cross Complaint. It was shortly thereafter that Petitioner removed all of these cases to the Central District Bankruptcy Court, canceling the jury trial in Judge Rubin's Court. Petitioner attempted to withdraw the reference to the U.S. District Court, in the Central District of California, for a jury trial before an Article III Judge, that motion was denied.

The above acts, from July 8, 1992, by Harris, L&W, Walker, Meeske, Herron and the other Conspirators associated with this *ENTERPRISE* conducted and participated directly, in the conduct of the *ENTERPRISE'S* affairs through a continual and unbroken *"pattern of racketeering activity"* within the meaning of RICO 1961(5) which caused an accrual of direct civil damages to Petitioner, and which gave rise to Petitioner filing the subject and underlying, RICO/Civil Rights Action in U.S. District Court, Northern District of California, San Jose Division, by reason of the fact that, all Conspirators

violated and injured Petitioner under RIC0, 18 USC Sect's. 1961(5) & 1964(c)(d).

HISTORICAL BACKGROUND 1998-2000; ON-GOING RICO / CIVIL RIGHTS VIOLATIONS TO THE PRESENT TIME, DURING WHICH TIME U.S. DISTRICT COURT JUDGE RONALD M. WHYTE FAILED TO RESTRAIN THE DAMAGES CAUSED PETITIONER, AS WAS HIS DUTY TO DO SO UNDER RICO, SECT. 1964(a) & UNDER 42 USC SECT. 1986, WHYTE FAILED TO NOTIFY THE ATTORNEY GENERAL, AS WAS REQUESTED BY PETITIONER, UNDER RICO, SECT. 1964(b).

In spite of the fact that all cases in State of Calif., L.A. County Superior Court's were lawfully removed to a federal court on May 25, 2000 and on July 14, 2000 and proper notice was given to all adverse parties, stating that, *THE EFFECT OF REMOVAL OUSTED ALL STATE COURTS OF JURISDICTION*, Alan Harris, in conspiracy with the RICO *ENTERPRISE* went "Judge Shopping" because Judge Rubin knew that his court was ousted of jurisdiction and the jury trial could not proceed.

In early June 2000, Harris found and corrupted another "State Actor", Los Angeles County Superior Court Judge, Linda K. Lefkowitz, into making a void Order. Harris, who was now a full fledged Conspirator, associated with this *ENTERPRISE* conducted or participated, directly, in the conduct of the *ENTERPRISE'S* affairs through a "*pattern of racketeering activity*" within the meaning of RICO 18 USC Sect. 1961(5), in violation of RICO 18 USC Sect. 1962 (c) when Harris lied to Lefkowitz, that Petitioner was notified to show up for the canceled jury trial on June 9, 2000. The corrupted Lefkowitz made a void order, awarded Harris approximately $25,000 in damages and

sanctions, after her Court was ousted of Jurisdiction.

All of the above took place without any notice whatsoever to Petitioner. Los Angeles County, and "state actor" employee Linda K. Lefkowitz, with L&W, Walker, Meeske, Herron & Harris participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961 (5), in violation of RICO 18 USC Sect. 1962(c), in combination with violations of the Civil Rights Act 42 USC Sect. 1983 and the Clayton Antitrust Act. Thereby, Lefkowitz caused direct civil damages and injury to Petitioner.

A Corporate Disclosure Statement, made pursuant to Federal Rules of Appellate Procedure ("FRAP") 26.1, by Appellees in related case U.S.C.A. Docket No. 00-15135, by the law firm of Hill, Farrer & Burrill, on June 23, 2000, confirmed that Charles R. Schwab, Chairman of the Charles Schwab Corporation acquired U.S. Trust Co. for $3.2 billion. Prior to the merger, Petitioner made Mr. Schwab personally aware of the potential RICO/Civil Right's liability that U.S. Trust Co. an Executor and Trustees of the Estate of Lillian B. Disney, had to Petitioner.

Shortly thereafter, in June of this year, the law firm of O'Melveny & Myers, through it's attorney, Stuart P. Tobisman, decided to terminate all further proceedings in Lillian B. Disney's Probate Case. Petitioner held a valid RICO/Civil Rights claim in the amount of $112,915,967.04, against U.S. Trust Co., in it's capacity as one of the Executors of that Will, and U.S. Trust Co., in it's capacity as one of the Trustees of Mrs. Disney's Estate.

Petitioner was informed and believes that the Charles Schwab Corporation's acquisition of U.S. Trust Co's. RICO/Civil Rights liability was not disclosed to it's shareholders. Now, the Charles Schwab Corporation and Charles R. Schwab, has

personal RICO/ Civil Rights/Antitrust/Securities fraud liability to Petitioner, by reason of the fact that O'Melveny & Myers and it's attorney, Stuart P. Tobisman, and the other RICO Conspirators, fraudulently, concealed the real reason why the Los Angeles County Probate Court should terminate all further proceedings, in Mrs. Disney's Estate.

The real reason was to extinguish Petitioner's valid claim, and allow the Charles Schwab Corporation to proceed unfettered by such claims, in it's acquisition of U.S. Trust Co., without making the required disclosure to it's shareholders and the U.S. Securities Exchange Commission, who in all probability, would have never allow the merger, had the facts of the RICO Conspiracy been made public. The above named conspirators associated with this *ENTERPRISE,* participated directly, in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO 18 USC Sect. 1961 (5), in violation of RICO 18 USC Sect. 1962(c) and 1964(a)(c)(d), in combination with violations of the Civil Rights Act 42 USC Sect's. 1983, 1985 & 1986; the Clayton Antitrust Act. Thereby, Charles R. Schwab, the Charles Schwab Corporation, Stuart Tobisman and the law firm of O'Melveny & Myers, caused direct civil damages and injury to Petitioner.

On July 14, 2000, Petitioner removed that probate case to the U.S. Bankruptcy Court, giving Notice to that Court and all adverse parties that the effect of the removal was that, the State Court shall proceed no further, unless and until the case is remanded. The case has not been remanded. On August 7, 2000, Los Angeles County Probate Judge, Edward R. Ross, was advised by Petitioner in a public hearing that, his Court was ousted out of jurisdiction by the removal and could not make any orders in the subject probate case. Judge Ross, corrupted by O'Melveny & Myers, Tobisman and other RICO Conspirators, replied " . . . *then you won't*

mind if I grant the Motion, since it's void anyway ?"

Los Angeles County, in conspiracy with O'Melveny & Myers, it's attorney Stuart P. Tobisman and "state actor" County employee Edward R. Ross, a Superior Court Judge, under the color of law and the other Conspirators associated with this *ENTERPRISE* conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violations of 18 USC Sect. 1962(c)(d), in combination with violations of the Civil Rights Act 42 USC Sect. 1983 and the Clayton Antitrust Act, and the 1934 Securities Exchange Act. All of them caused direct civil damages and injury to Petitioner, under 1964(c)(d).

All of the above acts were committed by all the named Conspirators associated with this *ENTERPRISE* through a *"pattern of racketeering activity"*, which essentially eliminated Petitioner, a Pro Se litigant, from competition, through a monopoly of price fixing, in practicing law in state and federal courts. The *ENTERPRISE* excluded access to such courts, illegally depriving Petitioner, who is a Pro Se litigant, of access to both state and federal courts, in violation of the 1st., 7th., and 14th. Amendments to the Constitution of the United States, and the implied right to self representation, in civil matters, such as Petitioner was forced into. As a result of the monopoly created by the RICO *ENTERPRISE* and it's Conspirators, he was injured.

As a result of the above RICO Conspirators undue influence, Petitioner was unable to vacate the invalid settlement, imposed by the corrupt L.A. County Conspirator Judge Shook, at the California State Court of Appeal, and Petitioner's Petition for Writ of Certiorari was denied at the Supreme Court of California. Before the 90 day expiration to seek review by this Supreme

Court of the United States, Petitioner removed the L&W malpractice case to the U.S. Bankruptcy Court, which retained jurisdiction over all matters concerning the Debtor Partnership. The L&W case should have been originally filed there, because federal issues were in question. Now the L&W case is in process of being transferred and consolidated for a jury trial, in the U.S. District Court, with a RICO/Civil Rights/ Antitrust/ Securities Fraud Action filed on Sept. 19, 2000, in the San Jose Division of the U.S. District Court for the N.D. of Calif. as Case No. CV 00-20962, against the following Co Conspirators/ Defendant's:

Charles R. Schwab; The Charles Schwab Corporation; O' Melveny & Myers LLP; Stuart P. Tobisman; John P. Shook; County of Los Angeles; Michael D. Antonovich; Edmund D. Edelman; Walt Disney Concert Hall, No. 1; Walt Disney Concert Hall No. 2; Gerald Rosenberg; Linda K. Lefkowitz; Harry Hufford; Frederick A. Cone; Marcela Ruble; Lisa McKenzie; Dale A. Harris aka Alan Harris; Latham & Watkins; Bennett A. Rheingold; County of Monterey; Richard Silver; Harris & Ruble; Paul A. Frassetto; William Gwire; Gwire & Frassetto.

Another Case No. 99-21236, is a verified complaint, which named Ronald M. Whyte as a Defendant Coconspirator in RICO/Civil Rights violations. That Case is pending on a Petition for Extraordinary Writ of Mandamus against Respondent Court of Judge Ronald M. Whyte, who this time dismissed the entire case with prejudice, before any Defendants filed any responsive pleadings. That Petition for Mandamus is Docketed at the 9th Cir. Court of Appeals as No. 00-70779.

This underlying District Court Case CV 98-21139, was originally assigned to Judge Fogel on Nov. 16, 1998, when it was filed and was usurped by Judge Ronald M. Whyte, who later, dismissed all the

other RICO Conspirators/Defendants with prejudice. The matter is fully briefed on Appeal to the 9th. Cir. Court of Appeals, Docket No. 00-15135

ARGUMENT - REASONS FOR GRANTING PETITION

Had the Ninth Circuit Panel reviewed de novo as they claim, they would have found 34 predicate acts of *"racketeering activity"* in the Complaint filed 11/16/98. More than half include L&W, Walker, Meeske and Herron, who with other RICO Coconspirators formed an association-in-fact for the purpose of Defrauding Petitioner. The association-in -fact was an *ENTERPRISE* within the meaning of RICO, 18 USC Sect. 1961(5).

At all times relevant, this *ENTERPRISE* was engaged in, and it's activities involved, interstate and foreign commerce, within the meaning of RICO, 18 USC 1962(c)(d).

Specifically, at all relevant times, L&W, Walker, Meeske,Herron & other Coconspirators associated with the *ENTERPRISE,* conducted or participated, directly, in the conduct of the *ENTERPRISE'S* affairs through a *pattern of racketeering activity* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO 1962(c). In so doing, they made agreements with Petitioner which they never intended to keep. In the subject matter, L&W never paid Petitioner "one dime" for the general release and the dismissal with prejudice which he signed. The Appellate Panel, at pg. 34 in the Appendix, points out two incomplete facts:

(a) *"that "Wojciechowski signed a general release of claims discharging L&W from any claims related to prior litigation"* but the Panel fails to point out that no consideration was paid by L&W to Petitioner.

(b) *"and because Wojciechowski provided no evidence to show that the release was invalid."* The Panel was made aware of the Bankruptcy Fraud

and other fraud caused by L&W and it's attorney's, which was discovered after the release was signed. That discovery was the evidence which gave rise to the RICO Action, because it clearly showed L&W's participation with the *ENTERPRISE*. Petitioner believes the FRCP Rule 60(b)(6) is available to invalidate not only the subject release, but all other agreements and Orders involved in the RICO violations shown to have been committed by the Coconspirators. Documentary Evidence of those *racketeering acts* exists in the record, as was alleged in thr RICO/Civil Rights First Amended Complaint. Petitioner was not allowed to make such allegations against L&W and it's attorney's, because of the erroneous subject Summary Judgment, which now is readily seen as just an unfortunate *Rush to Judgment*, by the lower court, which must be overturned by the Supreme Court.

CONCLUSION:

Wherefore, and by reason of the facts shown, Petitioner suggests as follows; The Justices of this Supreme Court themselves are an Advocacy for justice in these arguments favoring, Petitioner. Petitioner requests that the Supreme Court of the United States, the Court of last resort, in our Democracy, grants this Petition for Writ of Certiorari.

Petitioner did the best that he knew how, against L&W, the behemoth law firm, which was in Default, never set aside. L&W and it's icon Walker convinced the U.S. District Court and the U.S. Court of Appeals for the Ninth Circuit that Summary Judgment should be allowed to stand, even when it was clear that the behemoth law firm was clearly in Default on Dec. 29, 1998. Dec. 27, the 20 th. day within which responsive pleadings from L&W were due, was a Sunday. No other U.S. District Court or any another Circuit Court of Appeals would have

decided such a basic question, in conflict with the issued summons. The Ninth Circuit Court of Appeals, departed too far, from accepted and usual course of judicial proceedings. No other U.S. Court of Appeals would have approved such bias against any lawyer who stood instead, of an individual who chose self representation. Definitely, such acts of the lower court and the 9th. Circuit Court of Appeals call for an exercise of this Court's supervisory power.

Petitioner, was discriminated against in every paper, in every court, state or federal and not allowed to recover what was illegally taken from him by the "barbaric" acts of RICO Conspirators described herein. Certiorari is sought not just for Petitioner but for a return of dignity in Democracy for all Americans.

In this increasingly barbaric age, the honored and acclaimed, Myers S. McDougall, before he died, throughout his life, was rightfully concerned about human dignity being present in decisions affecting law by our Court's. In a 1998 Yale Law Journal, his unparalleled influence over his universally accepted "Policy-Oriented School of Jurisprudence" was eulogized in tributes derived from remarks given at his memorial service held, October 4, 1998, at the Yale Law School. What Mac, as he was called, contributed importantly to the advancement of Democracy and dignity for people everywhere is indeed a magnificent and lasting achievement. In reading these tributes to Mac, it becomes obvious that his venerable contentions must be juxtaposed in this case. Not because litigation is, in effect, a full form of barbaric warfare today but, because his time tested jurisprudence, in effect, is the most intelligent cite one can make on the subject laid here, before the Supreme Court.

Humbly, and with all due respect, the following, on point historical comparison is provided, Mac held;

(1) *"That the law is not a system of closed*

norms whose meaning is self evident" (2) *"Law should be used for the advancement of shared goals and ideals, as an instrument of policy;"* (3) *"These questions of policy can themselves be approached in a rigorous and disciplined way - not ad hoc, slipshod fashion, moving from one question to the next without any guiding principles to structure the inquiry, but in a comprehensive and scientific manner."*

These ideas Mac espoused are at the very core of legal studies in the United States and define the current trend in American legal education. In May of 1997, Mac wrote his last formal statement of his theory;

" The most useful conception of law is as a process of decision that is both authoritative and controlling. The function of that responsible jurist, advisor, decision maker, who is part of that process, is to develop an appropriate observational standpoint, clarify community goals, identify and then perform the intellectual tasks that will enable him or her to assist those who seek legal or policy advice in clarifying goals, and implementing them in ways compatible with the common interests of the most inclusive community" 3/

At about the same time, May of 1997, at the ripe age of 91, Mac wrote:

"The highest calling of all is to enhance human dignity in appropriate systems of public order. For those in the next generation who share this goal, Lasswell and I hope that our work may prove useful in providing principles of content and procedure and the tools for implementing them" 4/

Petitioner, Pro Se, can never aspire to reach the scholarship of even a "backwoods lawyer", let alone comprehend Mac's complete understanding of the meaning of the *rule of law*, as not that of

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3/ Myers S. Mc Dougal, Preface to Harold D. Lasswell & Myers S. Mc Dougal Jurisprudence for a Free Society v. Student ed., 1997.

4 / Mc Dougal, *supra* footnote above.

men/women. The above is the most favorable, unbiased historical background, in which to consider the context of pending issues vis-a-vie this Petition.

Advocacy for justice in this argument is quite another matter. It is sought not just for Petitioner but for a return of dignity in Democracy for all Americans. Here is open war on barbaric sophistic injustice, better left on the shores of ancient Greece. In this case it was speciously premeditated by "establishment lawyers" who control and guarantee results to their clients, in inferior court's. Which are their killing fields, where their victim's Constitutional rights are wasted. They earn their living illegally in our Democracy deceptively altering it's judicial system in favor of their minority. In this case, depriving Petitioner his absolute right to a jury trial. Their trademark is boldly stamped "sophistication".

At the end of the last Century, after 224 years of an extremely costly maintenance of Democracy, we seem to have yielded custody to a rather shabby minority, a de-facto oligarchy, in the hands of such lawyers. That is an undisputed fact men/women are adulterating law. The *rule of law* has been violated here. The credibility crisis in America today is worse than ever.

This Court will certainly agree that Mac's legacy however, must be preserved. His intellect superior, provided the Supreme Court with the formula "democracy and dignity". To advance Democracy and dignity, here in this case, is a small step for Petitioner but, a giant leap for the future of this Republic (paraphrasing Neil Armstrong).

It was Mac's perception that history has taught us the hard way. Power to perpetuate itself, must apply the law equally and justly. That foreboding was proven by the Great Depression of 1929 and times prior; the fall of Egypt, Greece, the Roman Empire, Napoleon's spree, and those of other tyrants, including Hitler, Marcos, Ho Chi Minh, Castro, yesterday's Milosovich, and those many

Bolsheviks in the Soviet Union.

Petitioner suggests to this Court that somewhere, sometime soon, we have to curtail abuses of our Constitutional rights by others. There is no time like the present. As shown here, it happened to Petitioner. It can happen likewise to all other Americans including those in power today. Petitioner who was born in Poland, saw the horrors of the Nazi invasion and experienced them on his own skin. Petitioner adopted the U.S.A. as his Country. He is a refugee from Nazi occupied Europe, as a result of that Holocaust, he was forced into slave labor as a eight year old child in Nazi occupied France. He and his family lost everything, except their dignity and a burning faith in God and the potential goodness in the human spirit. His father was murdered in a political assassination, in 1956 in Los Angeles, by the enemies of his homeland, Poland.

Petitioner came to America where dignity and Democracy prevailed then, now it must be resuscitated. He seeks such guarantees from the wisdom of this Court. Petitioner believes that such small steps, one at a time, are necessary, *to sustain a free society*. Petitioner, places his trust in his freedom of speech and seeks favorable and unanimous judgment from this Court, which he believes dwells beyond politics, when duty calls for application of the law. Petitioner believes this Supreme Court is the sole insurance for Constitutional guarantees for all who seek such relief. It may be the only such Court on this planet.

Petitioner, a citizen of the United States, trusts that his freedom of speech and opinion expressed about the human plight of the judiciary will not impinge on his substantial Constitutional rights at issue here. That is what Mac meant when he talked about Democracy surviving. Criticism justified, is part of that survival process. Inferior courts cannot be corrupted by behemoth law firms,

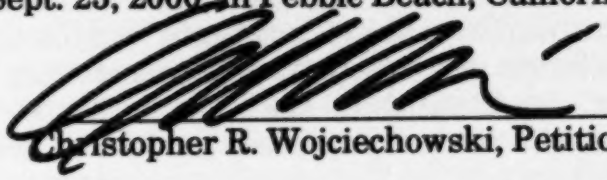
who believe that they are part of a self ordained, out of control "Swat Team". Hitler's "S.S.Troops" were no different when they started persecuting German Jews. At first they used their court's to get judgments against innocent Jews, later they didn't need their court's. They just took their property and killed them without a trial. This case is dangerously close to such behaviour. Stalin's NKVD also spread false and fatal accusations, through what was known as the "fifth column".

In the U.S.A. all can agree to disagree, that is the ultimate dignity of Democracy not found elsewhere. It is Petitioner's opinion that the technical legal parts of this argument show the facts and the law to be on his side. Petitioner requests that the Supreme Court, under these exceptional circumstances, justify and warrant the granting of this Writ. Adequate relief cannot be obtained in any other form or from any other court, by reason of the fact that, ten years of *delayed justice for Petitioner is denied justice,* as someone said.

Petitioner only wants that void filled. He wants his rights to recover in a jury trial. Such right's were consistently denied him in inferior courts, over the last 10 years. Under the extraordinary circumstances presented, Petitioner seeks this Writ from the court of last resort, to have it affirm once and for all time, that Petitioner does have right's to recovery, guaranteed by the Constitution, in a jury trial. Such rights, can only be restored now, at this Supreme Court.

Summarily and *sua sponte*, this Court could and should vacate the MEMORANDUM of MAY 3, 2000 and order remand back to the U.S. District Court of Judge Jeremy Fogel, for that jury trial, unfettered, by reason of the fact that L&W, Walker, Meeske and Herron, breached that invalid general release, by not paying the consideration as agreed, and that they were, and continue to be in Default.

Dated: Sept. 25, 2000 in Pebble Beach, California.



Christopher R. Wojciechowski, Petitioner

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
95 Seventh Street, P.O. Box 193939
San Francisco, CA 94119-3939

July 13, 2000

To: Christopher R. Wojciechowski
From: Cathy A. Catterson, Clerk
By: Sylvia McAlister, Deputy Clerk

Subject: Defective Petition for Rehearing
Re: CA No. 99-15702 Wojciechowski v. Walt Disney Concert

A petition for rehearing in the referenced case was received on 07/12/00 and could not be filed for the following reason(s):
[xx] Your original petition for rehearing was filed on 05/17/00 and denied on 06/28/00. The mandate issued on 07/06/00. This court no longer has jurisdiction. Your petition for rehearing in 3 volumes is being returned to you under separate cover.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
JUN 28 2000
Cathy A. Catterson, Clerk
U.S. Court of Appeals

CHRISTOPHER R. WOJCIECHOWSKI
Plaintiff-Appellant,

v.

RMW/EAI
LATHAM & WATKINS; WILLIAM J. MEESKE; JOHN P. (JACK) WALKER; VINCE HERRON,
Defendants-Appellees,
and
CANYON OAKS ESTATES, L.P. f/k/a Montevideo Partnership; TOPANGA OAKS INC.; U.S. TRUST CO. OF CALIF., N.A.; ROBERT L. WILSON, as co-Trustees of the Lund Family Trust; WALT DISNEY CONCERT HALL NO. 1; WALT DISNEY CONCERT HALL NO. 2; ESTATE OF LILLIAN B. DISNEY; LOS ANGELES COUNTY; HARRY HUFFORD; JOHN P. SHOOK; GIBSON DUNN & CRUTCHER; RONALD E. GOTHER; JANE LINDSAY WINGFIELD; CHARLES S. BATTLES, JR.; LAUREL BALLARD BRYAN; PETER L. SHAW; WILLIAM LASAROW; HARRY J. KIM; FINER KIM & STEARNS; ALAN D. HARRIS; HARRIS & RUBLE; JOHN C. WESTWATER; LUND FAMILY TRUST; RETLAW ENTERPRISES, INC.;

No. 99-15702

DC#CV-98-21139-

Northern Calif. (San Jose)

ORDER

BENNETT L. SILVERMAN,
Defendants.
99-15702
Before: KOZINSKI, RYMER, and FISHER, Circuit Judges

The panel has voted to deny Wojciechowski's petition for panel rehearing and for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for panel rehearing and for rehearing en banc is denied.

NOT FOR PUBLICATION [1]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED
MAY 3 2000
Cathy A. Catterson, Clerk
U.S. Court of Appeals

CHRISTOPHER R. WOJCIECHOWSKI
Plaintiff-Appellant,
v.
LATHAM & WATKINS; WILLIAM J. MEESKE; JOHN P. (JACK) WALKER; VINCE HERRON,
Defendants-Appellees,
and
CANYON OAKS ESTATES, L.P. f/k/a Montevideo Partnership; TOPANGA OAKS INC.; U.S. TRUST CO. OF CALIF., N.A.; ROBERT L. WILSON, as co-Trustees of the Lund Family Trust; WALT DISNEY CONCERT HALL NO. 1; WALT DISNEY CONCERT HALL NO. 2; ESTATE OF LILLIAN B. DISNEY; LOS ANGELES COUNTY; HARRY HUFFORD; JOHN P. SHOOK; GIBSON DUNN & CRUTCHER; RONALD E. GOTHER; JANE LINDSAY WINGFIELD; CHARLES S. BATTLES, JR.; LAUREL BALLARD BRYAN; PETER L. SHAW; WILLIAM LASAROW; HARRY J. KIM; FINER KIM & STEARNS; ALAN D. HARRIS; HARRIS & RUBLE; JOHN C. WESTWATER; LUND FAMILY TRUST; RETLAW ENTERPRISES, INC.; BENNETT L. SILVERMAN,
Defendants.

No. 99-15702

DC#CV-98- 21139-RMW/EAI

MEMORANDUM

[1] This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir.R. 36-5

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted April 17, 2000 [2]

Before: Kozinski,Rymer, and Fisher, Circuit Judges:

Christopher R. Wojciechowski appeals pro se the district court's summary judgment for Latham & Watkins and it's attorneys (together "Latham") in his action under the Racketeering Influenced and Corrupt Organizations Act alleging that defendants conspired to commit fraud upon him in prior litigation. We have jurisdiction under 28 USC Sect. 1291. We review de novo, *see Margolis v. Ryan*, 140 F.#d 850,852(9th Cir. 1998), and we affirm.

Because Wojciechowski signed a general release of claims discharging Latham from any claims related to prior litigation, and because Wojciechowski provided no evidence to show that the release was invalid, see *Winet v. Price,* 6 Cal Rptr. 2d 554, 560-61 (Cal.CT. App 1992), the district court properly granted summary judgment for Latham.

The district court denied Wojciechowski's motion for default judgment because Latham appeared in the action. *See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685.689 (9th Cir 1988).

We grant Latham's request for judicial notice. We grant Wojciechowski's request for judicial notice.

Wojciechowski's remaining contentions lack merit.

AFFIRMED

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[2] The panel unanimously finds this case suitable for decision without oral argument. See Fed.R.App.P. 34(a)(2). Accordingly, we deny Wojciechowski's request for oral argument.

EXCERPTS FROM PROCEEDINGS DOCKET

Proceedings include all events.
5:98 cv 21139 Wojciechowski v. Walt Disney Concert, et al

11/16/98	1	COMPLAINT a Summons(es) issued; Fee status pd entered on 11/16/98 in the amount of $150..00 (Receipt No. 506038); jury demand [5:98-cv-21139] (vm) [Entry date 11/17/98] [5:98 cv 21139]
11/16/98	2	ORDER by Judge Jeremy Fogel Case Management Conference set for 10:30 3/22/99; (Date Entered: 11/16/98) (cc:all counsel) [5:98-cv-21139] (vm) [Entry date 11/17/98] [5:98cv21139]
12/29/98	21	JOINDER by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139 re motion to strike complaint [1-1] [9-1]. re motion to dismiss [9-2] [5:98-cv-21139] (cv) [Entry date 12/29/98], [5:98cv21139]
12/29/98	22	NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Ronald M. Whyte by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139, defendant Vince Herron in 5:98-cv-21139 to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity with

Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/29/98] [5:98cv21139]

12/29/98 23 REQUEST FOR JUDICIAL NOTICE by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139 [5:98-cv-21139] (cv) [Entry date 12/29/98] [5:98cv21139].

12/30/98 27 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski for entry of default as to Walt Disney Concert [5:98-cv-21139] (cv) {Entry date 12/30/98] [5:98cv21139]

12/30/98 28 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for default judgment against Walt Disney Concert in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 29 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to Vince Herron in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 30 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for default judgment against Vince Herron in 5:98-cv-21139 with Notice set for

2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 31 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for entry of default as to Latham & Watkins in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 32 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Latham & Watkins in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 33 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to William Lasarow in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 34 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against William Lasarow in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry dat12/30/98][5:98cv21139]

12/30/98 35 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to John P. Shook in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 36 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against John P. Shook in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 37 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to Harry Hufford in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 38 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Harry Hufford in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 39 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to William J. Meeske in[5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 40 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against William J. Meeske in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 41 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to John P. (Jack) Walker Jr. in[5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 42 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against John P.(Jack) Walker Jr. in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date12/30/98] [5:98cv21139]

12/30/98 - - DEFAULT DECLINED, as to defendant John P. (Jack) Walker Jr., defendant William J. Meeske in 5:98-cv-21139, defendant Harry Hufford in 5:98-cv-21139, defendant John P. Shook in 5:98-cv-21139, defendant William Lasarow in 5:98-cv-21139, defendant Latham & Watkins in 5:98-CV-21139, defendant Vince Heron in 5:98-cv-21139, defendant Walt Disney Concert in 5:98-cv-21139 (cc: all counsel) [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

01/04/99 43 MOTION by Plaintiff for default judgment against dfts Walt Disney; H. Hufford; J.P. Shook; J.P. Walker; Latham & Watkins; W. Meeske; V. Herron and W. Lasarow [5:98-cv-21139] (cv) {Entry date 01/06/99] [Edit date 01/07/99] [5:98cv21139]

01/06/99 46 EX-PARTE APPLICATION before

Judge Ronald M. Whyte by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139 defendant William J. Meeske in 5:98-cv-21139, defendant Vince Herron in 5:98-cv-21139 to seal documents, to shorten time on motion to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity [22-1] [5:98-cv-21139] (cv) [Entry date 01/07/99] 95:98cv21139]

01/06/99 47 MEMORANDUM by defendant Walt Disney Concert in 5:98-cv-21139, defendant Harry Hufford in 5:98-cv-21139 in opposition to motion for default judgment against Harry Hufford in 5:98-cv-21139 [38-1], motion for entry of default as to Harry Hufford in 5:98-cv-21139 [37-1],motion for default judgment against Walt Disney Concert in 56:98-cv-21139 [28-1], motion for entry of default as to Walt Disney Concert [27-1] [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 45 NOTICE OF MOTION AND MOTION before Judge Ronald M. Whyte by defendant Los Angeles County in 5:98-cv-21139, defendant John P. Shook in 5:98-cv-21139 to strike motion for default judgment against John P. Shook in 5:98-cv-21139 [36-1], to set aside default, to extend time to answer with Notice set for 2/12/99 at 9:00a.m. [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 48 OBJECTIONS by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 to motion to seal documents [46-1], motion to shorten time on motion to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity [22-1] [46-1] 5:98-cv-21139] (cv) [Entry date 01`/07/99] [5:98cv21139]

01/07/99 49 MOTION before Judge Ronald M. Whyte by Plaintiff C. R. Wojciechowski in 5:98-cv-21139 for entry of default as to Los Angeles County in 5:98-cv-21139[5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 50 RETURN OF SERVICE executed upon defendant Los Angeles County in 5:98-cv-21139 on 12/7/98 and request to enter default [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 51 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Los Angeles County in 5:98-cv-21139 with Notice set for 2/26/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 01/13/99] [5:98cv21139]

01/08/99 53 ORDER by Judge Ronald M. Whyte granting Motion to seal documents [46-1] filed on 12/29/98. (Date Entered: 1/13/99) (cc: all counsel) [5:98-cv-21139] (cv) [Entry date 01/13/99] [5:98cv21139]

01/11/99 -- DEFAULT DECLINED as to defendant Los Angeles County in 5:98-cv-21139 (cc: all counsel) (cv) [Entry date 01/12/99] [5:98cv21139]

COMPLAINT FORM
JUDICIAL COUNCIL OF THE NINTH CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT AND DISABILITY

MAIL THIS FORM TO THE CLERK, UNITED STATES COURT OF APPEALS, P.O. BOX 193939, SAN FRANCISCO, CA 94119-3939. MARK THE ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR "JUDICIAL DISABILITY COMPLAINT." DO NOT PUT THE NAME OF THE JUDGE ON THE ENVELOPE.

SEE RULE 2(C) FOR THE NUMBER OF COPIES REQUIRED FOR FILING:

1. Complainant's name: *Christopher R. Wojciechowski*
Address: *P.O. Box 1171 Pebble Beach, CA 93953*
Daytime Telephone: *(831) 372 5590* Fax No. *(831) 375 4525*

2. Judge Complained about: *Hon. Ronald M. Whyte*
Court: *U.S. District Court for Northern California, San Jose Division*

3. Does this complaint concern the behavior of the judge in a particular lawsuit or lawsuits?
YES
If yes give the following information about each lawsuit:
Court: *same as above*
Docket Number: *C-99-21236 EAI*

Are (were) you a party or lawyer in the lawsuit?
YES, Party, Pro Se

If a party, give the name, address and telephone number of your lawyer::
Same as above Pro Se

Docket numbers of any appeals to the Ninth Circuit:
See Statement

4. Have you filed any lawsuits against the judge ?
NO

5. On separate sheets of paper, not larger than this form is printed on, describe the conduct or the evidence of disability that is the subject of this complaint. See rule 2(b) and 2(d). Do not use more than 5 pages (5 sides).

I declare under penalty of perjury --
I have read rules 1 and 2 of the Rules of the judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability, and the statements made in this complaint are true and correct to the best of my knowledge.

s'/ _____ Date: 1-21-2000

Statement of Christopher R. Wojciechowski attached to Complaint Form of Judicial Council for the 9th. Circ. Re: U.S. Dist. Crt Ronald M. Whyte's Disqualification
January 21, 2000

1. Yesterday evening I came back to my office and found a Fax Transmission from the Hon. Ronald M. Whyte, re Wojciechowski v. Montevideo Partnership, a Civil Rights Case, No. C-99-21236 EAI. The fax consists of 14 pages, wherein Judge Whyte decided to take over this case, from the Hon. Edward A.Infante, Magistrate Judge. When I read

the fax I marked it with my comments, a copy is attached to this statement.

2. This statement is made to show that Judge Whyte, *"has engaged in conduct prejudicial to the effective and expeditious administration of the business of the court* (his) *and he is unable to discharge all of his duties of office by reason of mental disability"* 5/.

3. Complainant, due to the 5 page limitation, shows below only a few of the concerns in the marked up Order of 1-20-2000. However, this is sufficient to establish that Judge Whyte, is in all probability suffering severe stress which gave rise to a mental disorder best described clinically as a combination of Schizophrenia, Involving a Delusional Disorder with Factitious Mild Neurocognative Disorders. Expert's in the field should be called in to carefully analyze and corroborate this opinion. This combination resulted in a pattern of behavior by Judge Whyte since November 16, 1998 when Complainant's RICO Action Case No. C-98-21139 was similarly usurped from the Hon. Jeremy Fogel. At that time Judge Fogel was also assigned, to that case, same as was Judge Infante, impartially assigned by the Court Clerk, last month.

4. Complainant first thought that such behavior was error, which caused Judge Whyte to dismiss the RICO Action against all defendants without cause. Complainant was angry at the obvious 30 errors reported in the Petition for Writ of Mandamus & Prohibition, filed in this Court on January 11, 2000, Docket No. 0-70034. When Complainant received the above fax yesterday he realized that Judge Whyte, did not make, erroneous decisions filled with lies but, that Judge Whyte is just *unable to discharge all of his duties of office by reason of the mental disability* described above, and touched on in the discussion following. It seems that Judge

5 / 28 USC Sect. 372 (c)(1).

Whyte just, cannot do his job by reason of the fact that he cannot remember facts, case law, and even the content of his own orders, as will be shown here and in the marked up copy.

5. Complainant realizes the gravity of this statement. However, the seriousness of Judge Whyte's mental condition is much more important to the attainment of justice in the U.S. District Court, than is the personal-risk Complainant takes by bringing this matter before the Judicial Council of the Ninth Circuit.

6. Complainant, has chosen to represent himself, since 1992 [6/], in these matters, acting in the capacity of a Private Attorney General, under that California Doctrine. There was no choice, no attorney in the State of California was willing to take the RICO case against the behemoth law firms of Gibson Dunn & Crutcher and Latham & Watkins. These firms are, to say the least, *very well positioned*. Combined with a dysfunctional California State Bar Association, it is extremely difficult for Complainant to proceed in his causes. On top of that dilemma, Judge Whyte is allegedly suffering from a chronic mental disability. As a result of probable Schizophrenia he has decided to protect and be prejudiced, in favor of his colleagues who are lawyers, as is he. He has done so in every one of his decisions, all of which were made against Complainant. That fact exacerbates the principal of an impartial tribunal, in the first instance, which this court knows, can never be reversed on Appeal.[7/]

6/ See attached copy of Declaration of C.R. Wojciechowski under 28 USC Sect. 1746; 5 USC Sect 552 filed in U.S. Bankruptcy Court Central District. This Declaration is a demand for prompt discovery, under the Freedom of Information Act (FOIA), scheduled to take place in February, and it is a request for consolidation with this Civil Rights case, it was served on all parties shown in attached proof of service.

7/ Ward, 409 U.S. 57, 93 S.Ct. 80.

7. Before Complainant shows the Judicial Council examples of Judge Whyte's inability to do his job, it is necessary to show and analyze Judge Whyte's suspected medical disorder. It is described in clinical terms, which were found and explained in: "DIAGNOSTIC & STATISTICAL MANUAL OF MENTAL DISORDERS 4 TH. EDITION" published by the American Psychiatric Association, Task Force on DSM-IV, Allen Frances MD, Chairperson, ISBN 0-89642-061-0.

(i).Schizophrenia; *"Popular usage to the contrary. Schizophrenia is not synonymous with split personality (which falls closest to Dissociative Identity Disorder). Schizophrenia is a brain disorder that causes severe problems in thinking, feeling and behavior. People with Schizophrenia experience difficulty distinguishing reality from fantasy. They also have trouble relating to other people, communicating through language, controlling their emotions and making everyday decisions."* 8/

(ii). Judge Whyte's Schizophrenia is exhibited in his inability to distinguish the "good guys" from the "bad guys". The attorney Defendants in the two subject cases are to Judge Whyte, the good guys. Not because of the facts presented, but because he is one of them and needs to think the fantasy that, since he is one of them, they must be the good guys and everyone else, including Complainant who, regardless of the facts is, in his fantasy, "a bad guy", complaining about the "good guys". In his disturbed mind, he and the "good guys" could never do anything wrong. Therefore he sides with them and finds a way to dismiss all causes of Action brought to him by the "bad guy". Which, due to his Schizophrenia, in his mind, he is convinced that all such actions are brought against himself. In the fantasy of his mind the attorney's at the two law

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8 / pg. 313, in book; "Your Mental Health" by Allen Frances M.D. Chairperson DSM -IV, ISBN 068483720X

firms are symbols of what he could have been.They are his idols. By association, he lives vicariously, being one of them. He has transposed his position from being a judge to being a"victim". This fantasy makes him prejudiced in favor of them, and against Complainant, who will always be the "bad guy". He is so protective that he made up his mind, that he certainly does not want to preside over a jury trial where his "idols" might have to pay treble damages to the "bad guy". That is the source of his chronic stress. He has expressed on more than one occasion in his orders, that he is "loathed to have the Defendants spend money" Defending against, what he believes in his fantasy is; the ultimate BAD GUY, A PRO SE LITIGANT. Therefore, his brain disorder causes the problems which end up as a series of Obstructions of Justice in violation of Title 18 USC Sect 1503. Unfortunately, a Schizophrenic delaying act in the faxed order, makes him; *unable to discharge all of his duties of office by reason of the mental disability.* Yet, he convincingly believes that he has helped his own kind, and that he did his job as a Judge. Unfortunately, as this Judicial Council knows, in reality he is aiding and abetting Defendants in Racketeering Activity and in the deprivation of Complainants due process right to a jury trial. His disturbed mental condition allows this unusual conduct, by association. In other words, it makes him feel good that, he helped his idols the "good guys" to take away Complainants rights, to a jury trial.

(iii). The Delusional disorder is defined;"*as a mental disorder which one holds onto, with complete conviction to strange beliefs that everyone else says are simply not true.*" By association, Judge Whyte's disturbed mind *holds complete conviction* that his idols the "good guys" are right. The real problem, in this complex situation is in the part: "*everyone else says are simply not true*". That part refers to the noticed

violations of his "idols" of RICO and Civil Rights statutes, case law cited and the Federal Rules of Civil Procedure which are "everyone else" in this context. Everyone else, clearly and convincingly, allows a liberal approach to Amending Complaints, especially those of a Pro Se litigant, who has every opportunity to state his case against wrongdoers. It is for that reason, Judge Whyte usurped the RICO Action from Judge Fogel. He knew Judge Fogel has no agenda such as is manifest in Judge Whyte. He knew Judge Fogel would be liberal, as he must be with addendum's. Whereas Judge Whyte, gave Complainant just one chance to amend his RICO complaint, and then he dismissed it against all Defendants, to make certain that his "good guys" did not have to face treble damages. Now, he has apparently done the same with Judge Infante and will not allow Complainant even one amendment in the Civil Rights Case. In his delusional disorder fantasy, Judge Whyte has won the day, without the need of response to a verified Complaint. He did it all by himself, for the "good guys" again. He is proud of it. Complainant believes, that is a *strange belief* for a Judge.

(iv). Factitious Mild Neurocognative Disorders complete the disturbed mind of Judge Whyte, by reason of the fact that in Factitious Disorders with *Ganser's Syndrome*, there exists a psychological disturbance. A characteristic of that syndrome, is exhibited throughout Judge Whyte's faxed order and all of his orders in the two cases in question, where he gives approximate answers. An example used in Dr. Frances' book which defines the *Ganser's Syndrome* is an answer where (8x8=65). In his latest faxed Order Judge Whyte starts of giving such approximate answers on the first page:

(a). In the caption he writes: (1) No. C-99-21236-RMW [Previously C-99-21236-EAI) & (2) ORDER RELATING CASES AND TO SHOW CAUSE. That is the same type of approximation in

the mental disorder called, *"Factitious Genser's Syndrome"*. The choice of an answer near the correct one is indicative that the person knows the real response. Judge Whyte's "answers"
are not quite correct, but in his fantasy he hopes they will suffice for the purpose intended, his own Schizophrenic protection and that of his "idols".

(b). On pg. 1, line 23 Judge Whyte incomprehensibly finds the partial answer without even stating the question, that act is symptomatic of the *"Factitious Genser's Syndrome"*. He delays Complainants recovery of significant property and monies, without any basis or explanation whatsoever by ordering; *"The court stays all proceedings until Complainant can show cause that the complaint in this matter should not be dismissed with prejudice etc"*. Defendants have not been served and none have filed responsive pleadings to the Complaint. That is a Schizophrenic view by Judge Whyte of FRCiv.P. Rule 8 (b)(c)(d)(f) and Rule 12, and again, it is not quite accurate.

(c). On pg. 1, line 26 -27 Judge Whyte orders, without any foundation or basis whatsoever, *"that Complainant must show cause why he should not be required to pay a contempt bond before filing subsequent law suits against defendants in this law suit that relate to the bankruptcy proceedings currently pending in the Central District of Los Angeles."* That is a clear and convincing sign of a confused mind and *"Schizophrenia involving a Delusional Disorder and a Factitious Genser's Syndrome"*. In such a state of mind Judge Whyte simply cannot and is *"unable to discharge all of his duties of office by reason of the mental disability."*

(d) On page 2 ln. 6 Judge Whyte makes a *"Factitious Genser's Syndrome"* answer to no question; *"the collapse and subsequent bankruptcy of the real estate partnership"* . The partnership he is referring to (a) never collapsed, as a matter of fact it is still operating and in existance as evidenced by the

Debtor Partnership conducting a ten year old bankruptcy case to the present time.
(b). Complainant was illegally forced out of that partnership in1992. (c). That is the bankruptcy fraud that gave rise to the RICO Complaint combined with the recently discovered bribery of a Los Angeles County Supervisor, which gave rise to this Civil Rights Action. Judge Whyte's mind apparently cannot accept those facts. Therefore he lives in his delusional fantasy which prohibits him from "*discharging all of his duties of office by reason of the mental disability*".

(e) The same is true of his statement on pg.2, ln. 10 "*that Defendants removed to this court.*" Judge Whyte's "*Factitious Genser's Syndrome*" prohibits him from acknowledging the fact that it was Plaintiff, the Complainant here, who removed that case to the U.S.District Court in San Jose. For some reason that inaccurate statement is important to his delusional fantasy which clearly and convincingly prohibits him from "*discharging all of his duties of office by reason of the mental disability*".

(f) There are many more such "*Factitious Genser's Syndrome*" examples in Judge Whyte's work as is shown on pg. 4, ln. 20, in the faxed order and in all the places marked but, Complainant is running out of space to discuss and cannot discuss all of them, according to the rules limiting this five page statement. Complainant has underlined each place in the faxed Order, which brings Judge Whyte's mental disability into question. Complainant has called the 30 "*Factitious Genser's Syndrome*" examples, errors in the Petition for Writ of Mandamus and Prohibition, Docket No. 0-70034, in this Court, because there it is called for. Complainant will be pleased to spend additional time to go over the entire faxed Order and the 30 items, if the Judicial Council requires further analysis on a line by line basis. Now Complainant would just like to touch on the subject of Mild Neurocognative

Disorders attributable to Judge Whyte, and wind up within the five page limitation.

(v). *"The Features of a Mild Neurocognative Disorder essential, is the development of impairment in Neurocognative functioning that is due to a general medical condition. By definition, the level of cognitive impairment and the impact on everyday functioning is mild (e.g., the individual is able to partially compensate for cognitive impairment with additional effort). Individuals with this condition have a new onset of deficits in at least two areas of cognitive functioning. These may include disturbances in memory (learning or recalling new information), executive functioning (e.g., planning, reasoning), attention or speed of information), perceptual motor abilities(e.g., integrating visual, tactile, or auditory information with motor activities), or language (e.g., word finding difficulties, reduced fluency). The report of cognitive impairment must be corroborated by the results of neuropsychological testing or bedside standardized cognitive assessment techniques. Furthermore, the cognitive deficits cause marked distress or interfere with the individual's social, occupational, or other important areas of functioning and represent a decline from a previous level of functioning. The cognitive disturbance does not meet criteria for a delirium, a dementia, or an amnesic disorder and is not better accounted for by another mental disorder (e.g., a Substance-Related Disorder, Major Depressive Disorder)."* 9/

8. Apparently Judge Whyte's condition as is shown above, will become more noticeable as time goes by, unless it is treated. It is chronic in it's present state and drastically affects his performance as a Judge. For his own welfare and the welfare of his family, he should be put under psychiatric care immediately and given a long leave of absence from his job, until he fully recovers. Complainant suggests therefore that Judge Whyte's

9 / from pg. 706 of Dr. Frances' DSM - IV.

faxed Order of January 20, 2000, be vacated as soon as possible, without the need to waste Complainants time in answering Judge Whyte's demands therein. Complainant requests that this Civil Rights Case be allowed to proceed unfettered at *warp speed* in the Court of Hon. Jeremy Fogel, who would have heard this case anyway, had he been given the opportunity to be the presiding judge, as he was chosen to be, by the Clerk, when Complainant filed the RICO Action in San Jose on 11-16-98.

9. In addition, because of these unusual circumstances, Complainant requests a recommendation by this Judicial Council, that the Appeal filed by Complainant in the RICO case should be granted sua sponte by the Ninth Circuit Court of Appeals without the need for briefing, also Complainant's Appeal, pertaining to Judge Whyte's dismissal with prejudice of Latham & Watkins Docket No 99-15702, which has been fully briefed, be granted and remanded to Judge Fogel's court for consolidation with the Civil Rights case.

Respectfully submitted on January 21, 2000, at Monterey County, California.

's'/_____
Christopher R. Wojciechowski, Complainant, Pro Se, In his capacity as a Private Attorney General

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Second Appellate District, Division Five, No. B119354 S0855523

IN THE SUPREME COURT OF CALIFORNIA
EN BANC

CHRISTOPHER R. WOJCIECHOWSKI, Appellant

v.

SUPREME COURT
FILED
MAR 1 2000
Frederick K. Ohlrich Clerk

LATHAM & WATKINS, Respondent

Appellant's petition for review DENIED.

"s"/_____
Chief Justice

Member Records Online

Member #146079
Dale A. Harris is an ACTIVE Member

Only ACTIVE members may practice law in California

Harris & Ruble
1625 Woods Dr
Los Angeles, CA 90069
Phone: (323) 656-0677
FAX: (323) 656-1771
E-Mail:
Admitted in California on May 22, 1990
Undergraduate: Univ. of Illinois; IL
School of Law: Univ. of Illinois COL; Champaign IL

The above, is undisputable evidence that DALE A. HARRIS, is using an unregistered alias before this Court. On all pleadings in state and federal courts the name "ALAN HARRIS" appears next to SBN 146079.

Apparently this misrepresentation of his true identity and intentional deception, has been a fraud on such Courts and on Defendant's in Case No. BC 182 384 & SC 022 327. The official records of Calif. State Bar show that SBN 146079 is held in a different name. Alan Harris is therefore a fraud on this Court practicing law without authorization and subject to the Sanctions.

Supreme Court, U.S.
FILED
FEB 5 2001
OFFICE OF THE CLERK

(2)

Docket NO: 00-1211

In The
SUPREME COURT OF THE UNITED STATES
October Term 1999

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

V.

WALT DISNEY CONCERT HALL NO. 1 et. al. of which only: Latham & Watkins, John P. (Jack) Walker, Jr.; William J. Meeske and Vincent Herron, are Respondents,

---

On Petition for Writ of Certiorari
To The U.S. COURT of APPEALS for THE NINTH CIRCUIT
Docket No. 99-15702
[Related Cases Docket No. 00 -70779 & 99 15135]

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER R. WOJCIECHOWSKI,
PETITIONER
Pro Se, Appearing as a Private Attorney General of Record
Customs Road, Pebble Beach CA
Mailing Address: P.O. Box 1171
Pebble Beach CA 93953 - Tel. No. 831 372 5590

RESPONDENTS:
LATHAM & WATKINS; JOHN P. (JACK) WALKER, JR.
WILLIAM J. MEESKE; VINCENT HERRON
633 W. Fifth Street, Suite 4000
Los Angeles, CA 90071
Tel No. (213) 485 1234

40cp

QUESTION PRESENTED

Should the Court consider related matters shown in the Petition, thereby effect their consolidation here, as the three intervening matters, in this Supplement, which were not available on SEP 25, 2000, when this Petition was made ?

LIST OF PARTIES TO THE PROCEEDINGS

DEFENDANTS: There are 32 additional Defendants, affected by this Supplement, in addition to the four named in the Petition, all are asserted to be RICO/Civil Rights violators, in the same DC Case No. CV 98-21139 RMW, they are:

Walt Disney Concert Hall No. 1; Walt Disney Concert Hall No. 2; Trustees of the Lillian B. Disney Trust; Shelly B. Thompson, Co-Trustee; U.S. Trust Co. N.A. [1/], Co-Trustee; Robert L. Wilson, Co-Trustee; Executors of the Will of Lillian B. Disney; Robert L. Wilson Co-Executor; U.S. Trust Co. Co-Executor; Diane Disney Miller in her individual capacity; Executors of the Estate of Sharon D. Lund; U.S. Trust Co. Co-Executor; Diane Disney Miller, Co-Executor; Ronald E. Gother, Co-Executor; The County of Los Angeles; Harry Hufford; John P. Shook; Ronald E. Gother, in his individual capacity; Gibson Dunn & Crutcher; Jane Lindsay Wingfield; Bennett L. Silverman; Charles S. Battles, Jr.; Laurel Ballard; William Lasarow; Peter L. Shaw; Canyon Oaks Estates L.P.; Topanga Oaks Inc.; Robert L. Wilson, in his individual capacity; Harry J. Kim; Finer Kim & Stearns Alan D. Harris; Harris & Ruble; U.S. Trust Co. N.A.; John C. Westwater; Edmund D. Edelman; Larry J. Monteihl & Retlaw Enterprises Inc.

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[1] /The Charles Schwab Corp, by way of it's recent acquisition of U.S. Trust Co. N.A. has assumed legal and financial responsibility for U.S. Trust Co., in it's various capacities, shown above.

Arthur B. Cook, Esq.
Hill, Farrer & Burrill Tel. (213) 620 0460
300 S. Grand Ave. 37th. Fl.
Los Angeles, CA 90071

Represents:

Coconspirators: Walt Disney Concert Hall No. 1; Walt Disney Concert Hall No. 2; Diane Disney Miller in her individual capacity; Executors of the Estate of Sharon D. Lund; U.S. Trust Co., Co-Executor; Diane Disney Miller, Co-Executor; Ronald E. Gother, Co-Executor; Ronald E. Gother, in his individual capacity; Gibson Dunn & Crutcher; Jane Lindsay Wingfield; Bennett L. Silverman; Charles S. Battles, Jr.; Laurel Ballard; Canyon Oaks Estates L.P.; Topanga Oaks Inc.; Robert L. Wilson, in his individual capacity; U.S. Trust Co. N.A.; John C. Westwater; Retlaw Enterprises Inc.

Robert S. Muller, III, U.S. Attorney
280 S. First Street, Tel. (408) 535 5061
Rm. 371
San Jose, CA 95113

Represents:

Coconspirators: Peter L. Shaw; William J. Lasarow Ronald M. Whyte

---

Lloyd W. Pellman, County Counsel
648 Kenneth Hahn Hall of Administration
500 West Temple St. Tel. (213) 874 1904
Los Angeles, CA 90012-2713

Represents:

Coconspirators: Los Angeles County; Edmund D. Edelman; Michael D. Antonovich; John P. Shook; Larry Monteilh; Harry Hufford

Robert B. Parsons, Finer Kim & Stearns
3424 Carson Street, Ste. 500 Tel. (310) 214 1477
Torrance, CA 90503

Represents:

Coconspirators:: Harry J. Kim; Finer Kim & Stearns

Lisa Mc Kenzie
Harris & Ruble Tel. (323) 822 1858
1625 Woods Drive
Los Angeles, CA 90069

Represents:

Coconspirators:: Alan Harris aka Dale A. Harris, Harris & Ruble

---

Alan Rader Tel. (310) 553 6700
O'Melveny & Myers LLP
1999 Ave of the Stars, 7th. Fl.
Los Angeles, CA 90067

Represents:

Coconspirators:: Trustees of the Lillian B. Disney Trust;Shelly B. Thompson, Co-Trustee; U.S. Trust Co. N.A., Co-Trustee; Robert L. Wilson, Co-Trustee; Executors of the Will of Lillian B. Disney; Robert L. Wilson, Co-Executor; U.S. Trust Co., Co-Executor

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Table of Authorities:

All Authorities cited in Petition are adopted herein, as if they were an intrinsic part of this Supplement

Supreme Court Rule 15.8 1
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Winet v. Price, 6 Cal Rptr. 2d 554, 560-61 (Cal.CT. App 1992) 1
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Title 18 USC Sect's. 1503; 1510; 1511; 1512; 1513; 1951; 1952 4
Bush v. Gore ..... vii, 6
Fiske v. Kansas, 247 U.S. 380, 385 - (1927) vii
Brooklyn Savings and Loan v. O'Neil, 324 U.S. 697, 703 (1945) vii
United States v. Haley 358 U.S. 644 (1959) 5

Citations of Opinions Below & Other Pertinent Excerpts:

No. 2 Matter:

JAN 19, 2001 - Final Order of 9th. Cir. in same DC Case No. CV 98-21129 RMW, 9th. Cir. Docket No. 00-15135, denial of: "Petition for Reconsideration, filed DEC 21, 2000" of lower court's deprivation of Petitioner's Civil Rights to due process & guaranteed Constitutional rights to a jury trial, as construed by panel, closing appeal, indicating no further filings shall be accepted. Before Trott, Graber and Mc Keown. (See page 7)

DEC 14, 2000 - Memorandum in 9th Cir. Docket No. 00-15135, dismissing in part the above Appeal , and affirming in part Judge Whyte's decision in the same DC Case No. CV 98 21129 RMW, which is the subject of the Petition for Writ of Certiorari in this Court's Docket No. 00-1211, Before Trott, Graber and Mc Keown. (See pages 8-10)

NOV 12 1999 - Order Denying Expedited Motion, in same DC Case CV 98 -21139. (See page 12)

OCT 27, 1999 - Order Denying Motions of Christopher R. Wojciechowski, in same DC Case CV 98 -21139. (See pages 13-15)

SEP 13, 1999 - Order Denying Motion Disqualify and Re Submission of Motions, in same DC Case CV 98 - 21139. (See pages 13-14)

AUG 19, 1999 - Order (1) Granting Certain Defendants' Motions to Dismiss; (2) Re Certain Defendants' Motions for Summary Judgment; (3) Re Plaintiff's For Default Judgment as a Sanction and (4) Re counter -Motion of Defendants Harry J. Kim and Finer Kim & Stearns for Sanctions, in same DC Case CV 98 -21139. (See pages 18-32)

No. 3 Matter: (See Page 11)

NOV 8, 2000 - Final Order of 9th. Cir. in Related Case Docket No. 00-70779, DC Case No. 99-21236. RMW, denial of Petition for Extraordinary Writ of Mandamus, to be issued to Respondent, U.S. DC, ND of CA, Ronald M. Whyte, a named Defendant.

Supplementary Jurisdictional Statement:

There is an *intolerable* conflict between the 9th. Circ. decision in the subject case and the Court's recent decision in Bush v. Gore. Petitioner presumes that federal grounds of equal protection of federal law and guarantees of the Constitution. prevail over state grounds. In this Case, that is applicable to No. 1 Matter presented in this Supplement.

The federal questions of Civil Rights abuses & RICO violations are sufficient to sustain this Court's Jurisdiction, in all three matters in this Supplement.

The Court can go behind state court findings in this Case to be consistent with Fiske v. Kansas, 247 U.S. 380, 385 - (1927).

Supplementary Statement of Case:

Petitioner has been deprived of equal protection by Coconspirator's, including L.A. County's state court's acts, of his absolute right to overturn L&W's and other Coconspirator's, asserted Bankruptcy Fraud, which Petitioner did not know existed at the time he entered into the subject agreements with Coconspirators.

It is clear that, Coconspirators, aided and abetted by L.A. County's state courts, covered-up the true facts and deprived Petitioner of his federal rights to recover what L&W, and the other Coconspirators shown in this Supplement, unlawfully took from him, without just and equitable compensation, see Brooklyn Savings and Loan v. O'Neil 324 U.S. 697, 703 (1945).

The diffrence between the amount he was paid and the amount he was deprived of is $156 million, or 99% of what was his net worth.

Supplemental Brief to Petition for Writ of Certiorari Docket No. 00- 1211 made pursuant to Rule 15.8, intervening three matters not available at the time of party's last filing:

No. 1 Matter:

The Ninth Circuit AFFIRMED SUMMARY JUDGMENT, based on two basic incomplete reasons:

1. *"Because Wojciechowski signed a general release of claims discharging Latham from any claims related to prior litigation, and because Wojciechowski provided no evidence to show that the release was invalid, see Winet v. Price, 6 Cal Rptr. 2d 554, 560-61 (Cal.CT. App 1992), the district court properly granted summary judgment for Latham."*

That incomplete conclusion is erroneous, and incorrect, by reason of the fact that, Petitioner has been waiting to be paid for that general release, *since his last filing,* no consideration has been paid by L&W to Petitioner, to the date of this Supplemental Argument. No consideration has ever been paid for that, *"general release of claims discharging Latham from any claims related to prior litigation,".* The only correct conclusion is that, the facts and the law show no money was ever paid Petitioner by L&W, and no money will ever be paid, therefore, that release is invalid, as a result Petitioner is not precluded from suing L&W. The Supreme Court must overturn the erroneous May 3, 2000 Memorandum of Affirmance of Ninth Circuit and remand the case, as requested, for a jury trial.

2. *"The district court denied Wojciechowski's motion for default judgment because Latham appeared in the action. See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc., 840 F.2d*

685.689 (9th Cir 1988)."

That incomplete conclusion is also erroneous, and it is also incorrect. Obviously, Petitioner does not deny that L&W appeared in the case.

The issue is the undisputed fact that L&W was in Default because it appeared late, beyond the 20 day limitation on the summons. That is a Default. Under FRCP Rule 55, the Clerk was requested to enter a Default Judgment immediately. The Clerk refused, only because it was requested by Petitioner, who is a Pro Se litigant. The Clerk discriminated against Petitioner, denying Petitioners Civil Rights to due process. However, that fact did not constitute a waiver of Default. Neither did that fact cure the Default, nor did that fact set aside the Default.

Petitioner made, filed and served Motions for Default the day after L&W appeared, see Docket Entry No. 27-42 in Appendix to Petition on pg. 38-41. The docket shows Sixteen (16) entries seeking Default that day. The biased Judge Whyte declined to Default those Defendants the day after they were in Default. It is clear and convincing evidence, supported in Judge Whyte's very own Docket that the prejudiced Judge failed to abide by Rule 55(b)(2). There are no Petitions in the Docket seeking to set aside the Defaulted parties, under Rule 55(c).

There is no Order in the Docket pursuant to Rule 55 (c) setting aside the Default's of all of those parties. Therefore, all of the parties, including the four Defendants here, who were included in Default, remain in Default. The Summary Judgment Dismissal, which is the subject of this Appeal, is void. L&W and it's attorneys were then, and are now, still in Default. All of their papers since, are void. Declining Default, as the trial judge did, is not setting aside Defaults. Therefore, pursuant to Rule 55(d) Petitioner is entitled to Judgment by Default.

L&W, therefore, had no right to file any papers whatsoever since, including their Summary Judgment Motion or their Answering Brief at the Ninth Circuit. L&W, it's attorneys and all of the other Defendant's shown in this Supplement and in No. 2 Matter below, who were in Default, have not sought to set aside their Default, either. Therefore, all of them are still in Default, to this day, and all their papers filed in this case since then, are void and have no effect.

No. 2 Matter:

On JAN 19, 2001, the other part of this dismissed case, the bifurcated part, the same DC Case No. CV 98-21139 RMW, and on Appeal at the 9th Cir. as Docket No. 99 151315 was finally affirmed/dismissed See pg. 7-32 Appendix this Supplm't for final appealable Order & prior orders).

Petitioner believes that, that act was done in retaliation, with premeditated malice, to cause additional injury to Petitioner, by reason of the fact that, Order was made on the very same day, JAN 19, 2001 as the summons and First Amended Complaint was served on Coconspirators/ Defendants: Peter L. Shaw and M. Margaret Mc Keown. Both of them, are named in Case No. 00-20962, with Antonin Scalia, and the Republican National Committee, and 39 other Defendants, all in their individual capacities. RNC, Antonin Scalia, the Solicitor General, and the United States Attorney General, were served at the same time.

The above act, by Coconspirators Shaw & Mc Keown is but, another act in a *pattern of racketeering activity* within the meaning of RICO, 18 USC Sect. 1961(5) in violation of RICO, 18 USC Sect. 1962(a)(b)(c)(d).

Petitioner requests that the Court consider these other parts of the dismissed Case to be heard and adopted as an intrinsic part of this Petition for Writ of Certiorari, by reason of the following facts:

A. Judicial economy in this Court shall be served. The issues are the same.

B. The flawed Summary Judgment, on appeal here, cannot stand alone, it is part of the RICO Conspiracy.

C. Respondents here: Latham & Watkins; John P. (Jack) Walker; William J. Meeske; Vincent Herron, are named Coconspirators with the other parties.

D. The demanded jury cannot bifurcate wrongdoing nor can civil damages be severed.

E. Remand, for a jury trial, if granted by this Court, must be one Civil Action under FRCP Rule 2.

F. As is shown in this Petition Docket No. 00-1211, in the Appendix pg. 39-44, Defendant's/ Coconspirators; Walt Disney Concert Hall No. 1, Walt Disney Concert Hall No. 2, William Lasarow, John P. Shook, Harry Hufford, Los Angeles County Alan D. Harris; Harris & Ruble etc., were and still are all in Default, same as L&W, Walker, Meeske and Herron.

G. The Dismissal issues placed before the Court are procedural and minor in nature see pg. 18-32, in Appendix here. Such frivolous reasons for Dismissal, by a Judge who has been accused of criminal acts, cannot be allowed to stand in the way of Petitioner's Civil Rights to due process and to the guarantees of the Constitution. Recovery of *significant property* totaling $156 million, which was unlawfully taken from him, must take precedent. Coconspirators, in what is a stereotype "Mafia" like take over of Petitioners business, violated Title 42 USC Sec'st. 1983,1985,1986 combined with Title 18 USC Sect's. 1503; 1510; 1511; 1512; 1513; 1951; 1952. Their violations are Described in the Petition before this Court and in Case 00-20962.

H. The relief sought, in money damages suffered by Petitioner, is the responsibility of all Coconspirators. These issues call for Summary Reversal on merits of Petition and this Supplement,

by reason of the fact that, decision below was so insubstantial as to not warrant plenary review. It is only appropriate that this Court reverse the District Court dismissal, which refused to uphold Petitioner's Constitutional rights, see United States v. Haley 358 U.S. 644 (1959).

I. As such, the trial must include all named Coconspirators/ Defendants in DC Case No. CV 99-21236 and it must be Consolidated with DC Case pending as DC Case No. 00-20962. In the rightful presiding Judge's Court. Which is the Court of the Hon. Jeremy Fogel, as is requested in the Petition and shown below in the following matter of this Supplement.

No. 3 Matter:

On NOV 8, 2000 yet, another part of this dismissed case, the third part, in the same DC Case No. CV 98-21139 RMW, on Appeal at the 9th Cir. as Docket Docket No. 00-70779, was denied (See pg. 11 Appendix to this Supplement for final appealable Order). Also see pg. 2 para. 3, pg. 22, para 3-4 in Petition and pg's. 44-54 in Appendix to the subject Petition for Writ of Certiorari .

Case 00-70779 is related, as is shown in this Petition for Writ of Certiorari, and the intervening filed and served, DC Case No. 00-20962.

Argument, Reasons for Consolidating in Docket No. 00-1211 the three Matters presented here:

Petitioner believes that, there is no question, No. 1 & No. 2 Matters ought to be consolidated into the Petition, which is before the Court.

Petitioner has been waiting for the Court to Docket this Case 00-1211, so that 00-70779 may be included, for consideration by this court at the same time.

The 90 days to have filed a separate Petition for Writ of Certiorari, from NOV 8, 2000, run out on

the date the Court shall receive this Supplement.

Petitioner therefore, requests that the Court consider the dismissed Case 00-70779 to be an intrinsic part of this Petition for Writ of Certiorari, by reason of the same facts shown above, in the No. 2 Matter.

Being Pro Se, Petitioner has no intention to get away with anything including paying, additional fees which the Court may impose. This Supplement may appear to be complex enough to justify Petitioner paying another $300.00 filing fee. Petitioner is willing to do that, if required.

Certainly Petitioner does not want to be "out of time" to file another Petition for Writ of Certiorari, in Related Case No. 00-70779. However, if the Court deems that to be procedurally necessary, Petitioner requests 45 days additional time to file a separate Petition for Writ Certiorari.

Petitioner trusts that this Court, for judicial economy, shall consolidate these three matters under one Petition in this Docket No. 00-1211. Petitioner believes that upon review, without the need of briefing, this Court will remand all of the matters presented forthwith for a jury trial, in Judge Fogel's Court below. After all, there has been unbearably long Obstructions of Justice caused here.

SUPPLEMENTAL CONCLUSION

The Supreme Court, in the interest of judicial economy, ought to grant Petitioner, the relief requested; (a). vacate all erroneous affirmance in all Orders shown in the appendices; (b). consolidate the three matters in this Supplement and remand, the case to the impartial trial court of the Hon. Jeremy Fogel, for the long delayed jury trial. Petitioner seeks, a fair and equitable result from his peers sitting in judgment of the facts, in a jury box, as it has been guaranteed here, to all who seek equal protection from this Court (Bush v. Gore), and as is guaranteed

by the Constitution of the United States.

Dated: FEB 1, 2001

Christopher R. Wojciechowski, Petitioner

APPENDIX TO SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI DOCKET NO. 00-1211

JAN 19, 2001 ORDER

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
JAN 19 2001
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CHRISTOPHER R. WOJCIECHOWSKI Plaintiff-Appellant, v. WALT DISNEY CONCERT HALL NO. 1; et al., Defendants-Appellees	No. 00-15135 DC#CV-98-21139-RMW Northern California (San Jose) ORDER

Before: TROTT, GRABER, and McKEOWN, Circuit Judges.

Appellant's "Petition for Reconsideration" is construed as a petition for panel rehearing. So construed, the petition for panel hearing is denied.

No further filings shall be accepted in this closed appeal.

DEC 14, 2000 ORDER

FILED
DEC 14 2000
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHRISTOPHER R. WOJCIECHOWSKI, PLAINTIFF-APPELLANT, v. WALT DISNEY CONCERT HALL NO. 1; WALT DISNEY CONCERT HALL NO. 2; TRUSTEES OF THE LILLIAN B. DISNEY TRUST; SHELLY B. THOMPSON, Co-Trustee; U.S. TRUST COMPANY, NATIONAL ASSOCIATION, Co-Trustee and Co-Executor; ROBERT L. WILSON, Co-Trustee, Co-Executor and in his individual capacity; EXECUTORS OF THE WILL OF LILLIAN B. DISNEY; EXECUTORS OF THE ESTATE OF SHARON D. LUND; DIANE DISNEY MILLER, Co-Executor and in her individual capacity; RONALD E. GOTHER, Co-Executor and in his individual capacity; THE COUNTY OF LOS ANGELES; HARRY HUFFORD; JOHN P. SHOOK; GIBSON DUNN & CRUTCHER; JANE LINDSAY WINGFIELD; BENNETT L. SILVERMAN; CHARLES S. BATTLES, JR.; LAUREL BALLARD; CANYON OAKS	NO. 00-15135 D.C. No. CV-98-21139-RMW MEMORANDUM 1/

ESTATES L.P.; TOPANGA OAKS INC.; HARRY J. KIM; FINER KIM & STEARNS; ALAN D. HARRIS; HARRIS & RUBLE; JOHN C. WESTWATER; RETLAW ENTERPRISES INC., EDMUND D. EDELMAN; LARRY J. MONTEILH,

Defendants-Appellees.

1/ This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding
Submitted December 4, 2000 2/

Before: TROTT, GRABER, and McKEOWN, Circuit Judges.

Christopher R. Wojciechowski appeals pro se the district court's judgment dismissing his action alleging that defendants violated his civil rights and various federal statutes by conspiring to defraud him. We dismiss in part and affirm in part.

This court has an independent duty to review whether jurisdiction exists, even where a motions panel previously has denied a motion to dismiss for lack of

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2/ The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, we deny Wojciechowski's request for oral argument.

jurisdiction. *See United States v. Houser*, 804 F.2d 565, 568 (9th Cir. 1986). Because the first amended complaint did not name any federal defendants, Wojciechowski had 30 days in which to file his notice of appeal. *See* Fed. R. App. P. 4(a)(1). Accordingly, Wojciechowski's December 9, 1999 notice of appeal was timely as to the district court's order entered on November 19, 1999, but not as to the underlying judgment entered on August 31, 1999 or the district court's order entered on November 2, 1999. *Cf. Wages v. IRS*, 915 F.2d 1230, 1234 & n.3 (9th Cir. 1990) (holding that a successive Fed. R. Civ. P. 59 motion does not toll the time to appeal unless the district court substantively alters its judgment in response to a timely Fed. R. Civ. P. 59 motion). Therefore, we dismiss Wojciechowski's appeal from the underlying judgment and the order entered on November 2, 1999.

With respect to the district court's order entered on November 19, 1999, we conclude that the district court did not err by denying Wojciechowski's motion for reconsideration. *See School Dist. No. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Therefore, we affirm the district court's order denying Wojciechowski's motion for reconsideration.

We grant appellees' request for judicial notice.

We deny Wojciechowski's request to substitute parties.

DISMISSED in part and AFFIRMED in part.

NOV 8 2000 ORDER

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
NOV 8 2000
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

In re: CHRISTOPHER R. WOJCIECHOWSKI, CHRISTOPHER R. WOJCIECHOWSKI, Petitioner, v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE), Respondent, MONTEVIDEO COUNTRY CLUB, Real Party in Interest.	No. 00-70779 DC# CV-99-21236-RMW Northern Calif. (San Jose) ORDER

Before: WALLACE, SCHROEDER and THOMAS, Circuit Judges.

The petition for rehearing en banc is denied on behalf of the court. *See* General Order Seet. 6.11.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

NOV 12 1999 ORDER

FILED
NOV 12 1999
Richard W. Wieking
CLERK, U.S. DISTRICT COURT
Northern District of California
San Jose

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER R. WOJCIECHOWSKI,
Plaintiff,

v.

WALT DISNEY CONCERT HALL NO. 1 et al.,
Defendants.

No. C98-21139 RMW
ORDER DENYING EXPEDITED MOTION

On November 3, 1999, Christopher R. Wojciechowski filed a "Motion for Leave to File: Under Civil L.R. 7-9(b)(3)(d) For Reconsideration of Order of Oct. 27, 1999; dismissing All Defendants; From This Case; Affidavit Under USC Sect. 144, of Bias and Prejudice Against Presiding Judge, Hon. Ronald M. Whyte." The court will construe this as two separate motions: (1) a motion for leave to file a motion to reconsider the court's order denying Wojciechowski's earlier motion to vacate the dismissal of his claim with prejudice; and (2) a motion to disqualify this court from hearing further proceedings in this matter. Both motions raise arguments that the court has considered and rejected in past rulings. The court therefore denies the motions.

DATED: 11/8/99 "s/_____"
RONALD M. WHYTE
United States District Judge

OCT 27, 1999 ORDER

FILED
OCT 27 1999
Richard W. Wieking
CLERK, U.S. DISTRICT COURT
Northern District of California
San Jose

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER R. WOJCIECHOWSKI, Plaintiff, v. WALT DISNEY CONCERT HALL NO. 1 et al., Defendants.	No. C98-21139 RMW ORDER DENYING MOTIONS OF CHRISTOPHER R. WOJCIECHOWSKI **[Re: Docket Nos. 241, 242, 264]**

On September 3, 1999, Christopher R. Wojciechowski filed two sets of papers with the court: (1) a "Motion Pursuant To: FRAP 4(a)(4)(iv); FRCP. Rule 59(a)(b)(c)(e) & 52(b) for additional findings of fact; To Alter or Amend Order Dismissing RICO Action Against all Defendants" and accompanying papers; and (2) a "Motion Pursuant To: FRAP 4(a)(4)(iv); FRCP. Rule 60(b)(3) for Relief from Fraud on Court by Attorneys & Judge to Vacate Judgment Which Dismissed RICO Case Against Defendants" also with accompanying papers. By its order filed September 13, 1999, the court partially denied these motions to the extent that they sought disqualification of this court from hearing further matters in this case. The court also ordered that the remainder of these motions be submitted without oral argument. Wojciechowski subsequently filed an *Ex Parte* "Motion for: Miscellaneous Ex Part Request Under L.R.

7-11(d) for Enlargement of Time, Clarification and/or Further Briefing on Effect, if any, of Order of Supreme Court Case No. 98--1924 & 98-1955, on this RICO Case, Made After Plaintiffs [sic] Reply Papers Were Filed to Opposition of Defendants to Pending Motions Scheduled & Declaration of Christopher R. Wojciechowski in Support." The court has read the papers submitted by the parties. 1/

As their titles suggest, Wojciechowski's motions are prolix and opaque. Reading the first two motions together, the court will construe them as a motion to vacate a judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedures, because the relief they seek would reverse this Court's earlier order of August 19, 1999, which dismissed Wojciechowski's complaint with prejudice. 2/ See Wojciechowski's Proposed Combined Order.

Wojciechowski's motion to vacate the judgment is not well taken. The motion is a melange of frivolous legal arguments and confused conspiracy theories involving real estate transactions, the Walt Disney family, and well-known Los Angeles law firms. In short, it says little new. The one novelty is a variety of allegations that this court (in its person and its staff) now belongs to the same vast conspiracy as the defendants in this case. See e.g., Plaintiff's Reply to Opposition of: FKS and GD&C Defendants to Plaintiffs: Motion Pursuant To: FRAP 4(a)(4)(iv); FRCP. Rule 60(b)(3) 17:4-26. These unsupported allegations, obviously rooted in

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1/ The court received five different sets of opposition papers to Wojciechowski's motions. Wojciechowski's papers included declarations and separate replies to the opposition papers.

2/ Wojciechowski's pleadings were dismissed with prejudice only after he failed to comply with the court's earlier order of February 12, 1999, which had required that he plead complaint comprehensibly.

disappointment with the court's earlier rulings, do not justify vacating the judgment. The motion therefore fails to raise any of the necessary grounds for a Rule 60(b) order of vacatur.

The ex parte motion is even worse; indeed, it is virtually incoherent. The motion points to a pair of recent Supreme Court decisions, which deny petitions of certiorari that Wojciechowski had filed. 3/ (From the reported cases names, it appears that the cases are part and parcel of Wojciechowski's effort to file papers in as many courts as possible.) Wojciechowski apparently believes that the two denials of certiorari somehow affect this case, and that they entitle him to extend these proceedings. They do not. The court has never reached the merits of Wojciechowski's claims, because they are incomprehensible. The status of any other cases is therefore irrelevant.

For the foregoing reasons, the court denies all of Wojciechowski's motions.

DATED: 10/25/99

"s/_____"
RONALD M. WHYTE
United States District Judge

3/ The cases are Wojciechowski v. Montevideo Ptnshp., 1999 U.S. LEXIS 5008 (Oct. 4, 1999); Wojciechowski v. Walt Disney Concert Hall, 1999 U.S. LEXIS 5033 (Oct. 4, 1999), and were the subject of a Statement of Recent Decisions filed by the Walt Disney Concert Hall defendants.

SEP 13, 1999 ORDER

FILED
SEP 13 1999
Richard W. Wieking
CLERK, U.S. DISTRICT COURT
Northern District of California
San Jose

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER R. WOJCIECHOWSKI, Plaintiff, v. WALT DISNEY CONCERT HALL NO. 1 et al., Defendants.	No. C98-21139 RMW ORDER DENYING MOTION DISQUALIFY AND RE SUBMISSION OF MOTIONS

Plaintiff Christopher R.Wojciechowski's ("plaintiff") motion for additional findings of fact; to alter or amend order dismissing RICO action against all defendants and plaintiff's motion for relief from fraud on court by attorneys & judge to vacate judgment were filed on September 3, 1999. The court denies plaintiff's motion to disqualify the court from hearing further matters in this case, which motion is contained within plaintiff's motion for additional findings of fact; to alter or amend order dismissing RICO action against all defendants. The basis for the motion to disqualify is that plaintiff does not like the rulings made to date by the court. This on its face is insufficient to support a request for disqualification.

The remainder of plaintiff's motion for additional findings of fact; to alter or amend order dismissing RICO action against all defendants and plaintiff's motion for relief from fraud on court by attorneys & judge to vacate

judgment shall be submitted without oral argument on October 15, 1999.

DATED: 9/10/99

"s/_____"
RONALD M. WHYTE
United States District Judge

AUG 19, 1999 ORDER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED
1999 AUG 19 A 11: 18
Richard W. Wieking, Clerk
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CHRISTOPHER R. WOJCIECHOWSKI,	) No. C 98-21139 RMW
Plaintiff,	) ORDER
v.	) (1) GRANTING CERTAIN DEFENDANTS MOTION TO DISMISS;) (2) RE CERTAIN DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT
WALT DISNEY CONCERT HALL NO. 1, et.al.,	) (3) RE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AS A SANCTION AND
Defendants,	) (4) RE COUNTER-MOTION OF DEFENDANTS HARRY J. KIM AND FINER KIM & STEARNS FOR SANCTIONS
	) **[Re: Docket Nos. 144, 145, 148, 149, 153, 161, 172, 178, 182, 199, 203]**

The following motions were heard on August 6, 1999:

(1) MOTION BY COUNTY OF LOS ANGELES, JOHN P. SHOOK, EDMUND D. EDELMAN AND LARRY J. MONTEILH TO DISMISS THE FIRST AMENDED COMPLAINT

(2) MOTION BY DIANE DISNEY MILLER TO DISMISS THE FIRST AMENDED COMPLAINT WITH PREJUDICE

(3) MOTION OF DIANE DISNEY MILLER FOR SUMMARY JUDGMENT

(4) MOTION OF SHELLY B. THOMPSON (AS CO-TRUSTEE OF THE LILLIAN B. DISNEY TRUST), U.S. TRUST COMPANY, N.A. (AS CO-TRUSTEE OF THE LILLIAN B. DISNEY TRUST), ROBERT L.WILSON (AS CO-TRUSTEE OF THE LILLIAN B. DISNEY TRUST), AND U.S. TRUST COMPANY, N.A. (AS CO-EXECUTOR OF THE WILL OF LILLIAN B. DISNEY) TO DISMISS THE FIRST AMENDED COMPLAINT

(5) MOTION OF DEFENDANTS GIBSON, DUNN & CRUTCHER, RONALD E. GOTHER [INDIVIDUALLY ONLY], JANE LINDSEY WINGFIELD, BENNETT L. SILVERMAN, CHARLES S. BATTLES, JR. AND LAUREL BALLARD TO DISMISS ALL CLAIMS IN FIRST AMENDED COMPLAINT WITH PREJUDICE PURSUANT TO FED R. CIV. P. 12(B)(6) AND 9(B) AND (F)

(6) MOTION OF DEFENDANTS GIBSON, DUNN & CRUTCHER, RONALD E. GOTHER [INDIVIDUALLY ONLY], JANE LINDSEY WINGFIELD, BENNETT L. SILVERMAN, CHARLES S. BATTLES, JR. AND LAUREL BALLARD TO DISMISS THE FIRST AMENDED COMPLAINT IN ITS ENTIRETY, WITH PREJUDICE,

PURSUANT TO FED. R. CIV. P. 41(B), 8 AND 10

(7) MOTION OF DEFENDANTS GIBSON, DUNN & CRUTCHER, RONALD E. GOTHER [INDIVIDUALLY ONLY], JANE LINDSEY WINGFIELD, BENNETT L. SILVERMAN, CHARLES S. BATTLES, JR AND LAUREL BALLARD FOR SUMMARY JUDGMENT

(8) MOTION BY DEFENDANTS WALT DISNEY CONCERT HALL NO.1,WALT DISNEY CONCERT HALL NO.2, U.S.TRUST COMPANY,N.A.(AS CO-EXECUTOR OF THE ESTATE OF SHARON D. LUND), RONALD E.GOTHER (AS CO-EXECUTOR OF THE ESTATE OF SHARON D. LUND), HARRY HUFFORD, CANYON OAKS ESTATES L.P., TOPANGA OAKS, INC., ROBERT L.WILSON (AN INDIVIDUAL), U.S. TRUST COMPANY, N.A., JOHN C. WESTWATER AND RETLAW ENTERPRISES, INC. TO DISMISS THE FIRST AMENDED COMPLAINT WITH PREJUDICE

(9) MOTION FOR SUMMARY JUDGMENT BY DEFENDANTS WALT DISNEY CONCERT HALL NO. 1, U.S. TRUST COMPANY, N.A. (AS CO-EXECUTOR OF THE ESTATE OF SHARON D. LUND), RONALD E. GOTHER (AS CO-EXECUTOR OF THE ESTATE OF SHARON D. LUND), CANYON OAKS ESTATES L.P., TOPANGA OAKS, INC., ROBERT L. WILSON (AN INDIVIDUAL), U.S. TRUST COMPANY, N.A., JOHN WESTWATER, RETLAW ENTERPRISES, INC. AND HARRY HUFFORD

(10) MOTION BY DEFENDANTS HARRY J. KIM AND FINER, KIM & STEARNS TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT

(11) MOTION OF PLAINTIFF FOR DEFAULT JUDGMENT AS A SANCTION AGAINST BAD FAITH CONDUCT

(12) COUNTER-MOTION OF DEFENDANTS HARRY J. KIM AND FINER, KIM & STEARNS FOR SANCTIONS

The court has read the moving and responding papers and heard the argument of counsel. For the reason set forth below, the motions to dismiss are granted and plaintiff's First Amended Complaint is dismissed without leave to amend. The motions for summary judgment are moot. Plaintiff's motion for sanctions is denied. The counter-motion of Harry J. Kim and Finer, Kim & Stearns (the "FKS Defendants") for sanctions is denied.

I. BACKGROUND

Plaintiff Christopher R. Wojciechowski's ("plaintiff") original complaint in this action was filed on November 16, 1998. On February 12, 199, this court dismissed plaintiff's complaint upon various defendants' motions pursuant to Fed. R. Civ., P. 8 and 10 with leave to amend, and dismissed the complaint with prejudice as to defendants Latham & Watkins, John F. Walker, Jr., William J. Meeske and Vincent Herron. The court ordered dismissal on the grounds that plaintiff's rambling 122-page pleading was a "tangled mass of vague conclusions of corruption, fraud, theft, perjury, obstruction of justice, breach of agreement and acts which plaintiff claims caused his business ventures to fail "appearing within "a jumble of argument and wandering narrative referring to disconnected events apparently occurring over the course of a decade." February 12, 1999 Order at 3-4. The court noted that the defects of the complaint included that "[t]he seven causes of action

generically refer to the acts and conclusions strewn throughout the preceding 97 pages, listing strings of defendants, identified only by number, without drawing any connection between the cause of action, any particular defendant, and any specific, coherent facts." Id at 4. The court found that the plaintiff has failed to set forth a short and plain statement showing that he is entitled to relief under Fed. R. Civ. P. 8(a)(2), and that "[n]either the defendants nor the court should be required to pull apart, reorganize, and ultimately rewrite the complaint in order to find coherence, meaning and facts which correspond to particular claims and particular defendants." Id.

Although the court in its February 12, 199 order granted plaintiff leave to amend, it specifically ordered that:

The amended complaint shall contain a short and plain statement of plaintiff's claims showing that plaintiff is entitled to relief, and shall contain averments which are simple, concise, and direct, pursuant to Fed. R. Civ. P. Rules 8(a) and 8(e)(1). The amended complaint shall include a concise statement of the facts which identifies the defendant (by name or abbreviation, not by number) who took each act identified. The amended complaint shall make all allegations in continuously numbered paragraphs, and each paragraph shall be limited as far as is practicable to a statement of a single set of circumstances, pursuant to Fed. R. Civ. P. 10(b). The amended complaint shall state separate causes of action for each distinct set of facts pursuant to Fed. R. Civ. P. 10(b), and shall identify, in the line immediately below the title of each cause of action, which defendant or defendants the cause of action is pleaded against. The amended complaint shall plead any fraud with particularity in compliance with Fed. R. Civ. P. 9(b). The complaint shall not exceed 35 pages.

Id. at 7. The court's order further notified plaintiff that:

if the amended complaint is as rambling and vague as

the present complaint and similarly insufficient under the pleading standards of the Federal Rules of Civil Procedure, it will be dismissed with prejudice as to all defendants.

Id. Plaintiff's filed a First Amended Complaint ("FAC") on March 29, 1999.

II. ANALYSIS

Plaintiff's FAC is 36 pages long with an attached 6-page "appendix" containing further allegations and argument. The FAC is brought against 32 defendants, including several new defendants who were not named in the original complaint. The FAC contains five causes of action, all having titles indicating that they derive from the "RICO" statue, 18 U.S.C. 1961 *et seq.*[1]

Plaintiff's FAC does not set forth a short and plain statement of plaintiff's claims and does not otherwise comply with almost all remaining aspects court's February 12, 1999

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1. The FAC's causes of action are titled as follows:

(1) FIRST CAUSE OF ACTION- BRIBERY RICO VIOLATIONS TITLE 18 USC SECT. 201 OF ORGANIZED CRIME CONTROL ACT OF 1970

(2) SECOND CAUSE OF ACTION- MAIL & WIRE FRAUD RICO VIOLATIONS OF TITLE 18 USC SECT'S. 1341 & 1343 OF ORGANIZED CRIME CONTROL ACT OF 1970

(3) THIRD CAUSE OF ACTION- MONETARY TRANSACTIONS IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY, TITLE 18 USC SECT. 1957, RICO VIOLATIONS OF ORGANIZED CRIME CONTROL ACT OF 1970

(4) FOURTH CAUSE OF ACTION- RACKETEERING CIVIL RICO COMBINED WITH CIVIL ACTION UNDER TITLE 42 USC SECT. 1983 FOR DEPRIVATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS GUARANTEED BY I & XIV AMENDMENTS

Plaintiff's FAC does not set forth a short and plain statement of plaintiff's claims and does not otherwise comply with almost all remaining aspects court's February 12, 1999 order. For the second time, and despite the court's detailed order providing instructions, plaintiff has, like the plaintiffs in McHenry v. Renne, 84 F.3d 1172 (9th Cir. 1996), "eschewed the traditional pleading style which prescribes a 'short and plain statement' of basic allegations followed by an outline of each legal claim based on specific allegations of fact." McHenry, 84 F.3d at 1176. (Footnote 2) Plaintiff's FAC consists of disjointed allegations which jump between seemingly unrelated events, broad conclusions which cannot be attached to particular allegations, and repeated cross-

references to earlier allegations, either in this pleading or perhaps in other actions, which the court cannot patch together into any coherent form. Adding to the complete confusion, the amended complaint repeatedly refers to acts taken by an alleged RICO "Enterprise" but never

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(5) FIFTH CAUSE OF ACTION- RACKETEERING CIVIL RICO COMBINED WITH ACTION FOR FAILURE TO DISTRIBUTE PARTNERSHIP ASSETS AT DISSOLUTION ACCORDING TO TITLE 26 USC SECT. 311(b)(1)(2)(3) & 18 USC SECT. 1503

2. Although the plaintiffs in McHenry were represented by counsel, the court notes that plaintiff is far from a newcomer to litigation. See n. 6,7 infra.

defines which of the 32 defendants are alleged to be *part* of the "Enterprise".(Footnote 3) The complaint mentions certain defendants by last name or other abbreviation, but also occasionally refers to actions allegedly taken by "defendants", apparently excluding certain defendants from the "defendants" group but never actually defining it. See e.g. FAC at 10:3-5 ("In concert, Lasarow and Edelman with Defendants caused an obstruction of justice in violation of Sect. 1503 & 1957 which are prohibited 'Racketeering Acts..."). As in his original complaint, plaintiff does not identify which causes of action pertain to which defendants,

below the title of each cause of action (as the court ordered) or in any other manner, and does not otherwise make clear connections between specific legal claims and individual defendants. Once again, neither the court nor the defendants can possibly understand which defendants are being charged under what legal theories, or to what facts the scattered legal theories, to the extent they can be identified, attach.

Further, the FAC does not limit each paragraph to a single set of circumstance, many if not most of each the separate paragraphs are composed of combinations of allegations from which the reader cannot discern one coherent event.(Footnote 4) Although the amended complaint is shorter than the original complaint, it is in violation of the court's order, essentially 42 pages long, with a 36-page portion attaching a further 6 pages of claims and argument in an "appendix".

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3. It seems that plaintiff is pleading that some defendants are not part of the Enterprise, see e.g. FAC Sect. 31 ("Enterprise...conspired with; Kim, FKS, GD&C, Battles, Wilson, Harris, H&R, Miller, COE, TOI, Retlaw, Westwater, USTC, Sharon, Sharon's Estate, Lillian, Lillian's Estate, to commit & committed mail and wire fraud...").

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4. See e.g., paragraph 82, which reads:

In the County of Monterey, State Crt. of Silver, Enterprise manipulated Kim & FKS on 7-6-96, to assert plaintiff owed money to their client when it was known he owed nothing to Chou Tochi USA Inc. Kim & FKS decided to steal Plaintiff's valuable & personal property in Monterey County, in a foreclosure sale without cause. "State Actor" Silver significantly aided FKS, Kim & Enterprise, who in concert with State of Calif., deprived Plaintiff of ownership of his property without due process. Kim in an 11 page declaration made on 6-13-96, made unqualified statements of that not known to be true, in violation of 18 USC Sect. 125. In so doing, he violated his oath of office as an attorney by preparing false documentary evidence, in violation of Sect. 135, in a court of law he also perjured himself and obstructed justice by his denial of the fact of the existence of the 2-20-91 cancellation agreement. Property was taken by County/State & Racketeering Enterprise, through a continual pattern of deprivation of Plaintiff's rights, in violation of I, VII and XIV Amendments & of Title 42 USC Sect. 1983.

Plaintiff's fraud-related claims are not pleaded with particularity as the court's order, and the Federal Rules of Civil Procedure, require. To allege a violation of the mail fraud statute, it is necessary to show that (1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and (3) the defendants did so with the specific intent to deceive or

defraud. Schreiber Distrib. Co. v. Serv-Well Furniture Co., 806 F.2d 1393, 1399 (9th Cir. 1986). Although certain of the FAC's paragraphs pertaining to fraud or "mail fraud" are lengthy and complicated, those qualities do not make them "particularized pleading" as required by Fed. R. Civ. P. 9(b) and the court's prior order; plaintiff simply fails to state any of the required elements of the claims with clarity and particularity. See e.g., FAC Sect. 44. (Footnote 5)

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5. FAC Sect. 44 reads:

Further evidence of this mail & wire fraud was Wilson's memo to Retlaw's file made on 9-12-91. On first page, he acknowledges the fact that the cancellation with Chuo Tochi of 2-20-91 was effective. Wilson indicates a new negotiation was in the works between Plaintiff & Kim's client. Such provision was placed in cancellation agreement. He also memorializes the fact that Retlaw is attempting to sell MP's assets to Kim's client. Copies of this memo were mailed to Sharon, Wingfield & GD&C, but not Plaintiff, who first discovered this memo on Oct. 1997, in a production of documents for Wilson's deposition held in L&W's malpractice case. The above memo is clear and convincing evidence of the following: (a) Plaintiff's Carmel Highland Property and $750,000 were stolen by Enterprise, with the significant use of mail & wire fraud from Kim & FK&S; (b) Enterprises' motive to engage in wire & mail fraud was to do whatever it takes to keep Kim & FK&S satisfied so their client would buy Plaintiff's property from Sharon, after Enterprise stole it. Giving Kim $750,000, on 7-8-92, out of Plaintiff's proceeds,

Plaintiff's amended complaint alternates seemingly unrelated events, argument and conclusions pertaining to such topics as: unspecified previous proceedings in an unidentified bankruptcy court matter; the non-approval of the unidentified "Montevideo Country Club Project";

unspecified, unidentified "entitlements"; the dissolution of a partnership; a legal retention agreement and alleged malpractice by various law firms; the conduct of various government officials including judges and County Supervisors; alleged "manipulation" of unspecified tax returns; allegations that some or all defendants "stole" a "Carmel Highlands" property," otherwise unidentified, "to be taken under false pretenses;" a defeated "$75 million sale" of unidentified property to "Bone/Village Properties;" a "cancellation agreement;" a "settlement agreement;" and the increase of plaintiff's real property taxes on unspecified property in violation of Proposition 13, to recount but a sampling of plaintiff's vague, unconnected, wandering statements. As the court, citing the Ninth Circuit, stated in its previous order, "[a] Complaint is not a puzzle...and we are loathe to allow plaintiffs to tax defendants, against whom they have leveled very serious charges, with the burden of solving puzzles in addition to the burden of formulating an answer to their Complaint." In re Glenfed, Inc. Securities Litigation, 42 F.3d 1541, 1554 (9th Cir. 1994). The proceedings of even a *pro se* plaintiff "must meet some minimum threshold in providing a defendant with notice of what it is that it allegedly did wrong." Brazil v. U.S. Dept. of the Navy, 66 F.3d 193, 199 ((th Cir. 1995), *cert. denied*, 116 S.Ct. 1317 (1996). Plaintiff's pleading fails, for the second time, to meet this minimum threshold, despite the court's express instructions.

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was in effect a "bribe" or inducement to keep Kim & his client interested in buying Plaintiff's property from Sharon.

Because some if not most of the defendants to this

action have apparently been defending against plaintiff's legal actions in various forums for many years, (Footnote 6) they may be willing to hazard guesses at what plaintiff's claims pertain to in order to argue for their dismissal. Accordingly, the various defendants' motions argue, as alternatives to arguing for dismissal under Rules 8, 10 and/or and 41(b), that the FAC must be dismissed under doctrines including *res judicata*, immunity and qualified immunity, release and collateral Estoppel, and because the allegations fail to state a RICO claim and are barred by the applicable statute of limitations. Although most if not all of the parties' arguments would appear to have merit if the court were to accept the various defendants' attempts to interpret the FAC, the court cannot take even the first step of determining what claims the defendant is pleading, under what legal theories, and against whom. (footnote 7) The court is not

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6. The motion to dismiss of Gibson, Dunn & Crutcher; Gother; Wingfield; Silverman; Battles and Ballard (the "Lund Attorneys") identifies, for instance, proceedings in at least five difference courts in which it has had to defend plaintiff's prior complaints over at least the past seven years. Motion of the Lund Attorneys to Dismiss the Amended Complaint at 10.

7. For example, relying upon the FKS Defendants' description of their history of litigation with plaintiff, which description plaintiff's opposition papers do not dispute, the court is inclined to find that plaintiff's claims against the FKS Defendants are res judicata. According to the FKS Defendants, plaintiff's claims against them apparently involve a $750,000 distribution made in 1992 pertaining, although the amended complaint nowhere makes this clear,

to plaintiff's "Carmel Highlands" property. See FAC Sect. 37-44, 77, 82. The FKS Defendants' motion strenuously argues that plaintiff's claims against them have been litigated and lost by plaintiff several

willing to labor to to inject meaning into an incomprehensible pleading through assumption, guesswork, and imagination, and it does not expect the defendants to a lawsuit to do so either, regardless of how educated their guesswork might be. The defendants are entitled to be provided with charges that are clear and understandable, so that they may answer to them and conduct discovery. See McHenry, 84 F.3d at 1176. Plaintiff has failed outrightly, for the second time and despite the court's explicit warning, to set forth coherent claims and tie them to identified defendants.

Plaintiff was notified in the court's order of February 12, 1999 that if his amended complaint did not set forth his claims clearly and concisely, his action would be dismissed as to all defendants. plaintiff's amended complaint continues to be rambling, vague, and incomprehensible, and does not fairly notify any defendant of what it is that he, she or it is alleged to have done wrong and under what legal theory. Plaintiff's complaint is therefore dismissed as to all defendants without leave to amend pursuant to Fed. R. Civ. P. 8(a), 10(b) and 41(b). The motions for summary judgment brought be defendant Diane Disney Miller; defendants the Lund Attorneys; and defendants Walt Disney Concert Hall No. 1., U.S. Trust Company, N.A. (as Co-Executor of the Estate of Sharon D. Lund), Ronald E. Gother (as Co-Executor of the Estate of Sharon D. Lund), Canyon Oaks Estates, L.P., Topanga oaks, Inc., Robert Wilson (an Individual), U.S. Trust Company, N. A., John

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times over, attaching prior pleadings and court orders See e.g., Kim Defendants' Motion to Dismiss at 13 and

characterization of his claims, and the court is therefore inclined to accept it, due to the serious defects and pure incomprehensibility of plaintiff's amended complaint, the court is unable to independently determine with any certainty whether the rambling and disjointed statements made in plaintiff's pleading correspond to the claims made in his previous actions against these, or any, defendants. Westwater, Retlaw Enterprise, Inc. and Harry Hufford (the "Gotner Defendants") are denied as moot.

Plaintiff's motion for "default judgment as a sanction for bad faith conduct" is denied. Plaintiff has shown no violation of Fed. R. Civ. P. 11(b)(2) by any defendant. The FKS Defendants' counter-motion for sanctions is denied.

III. ORDER

For the foregoing reasons, plaintiff's complaint is dismissed without leave to amend. The motions for summary judgment brought by defendant Diane Disney Miller, the Lund Attorneys and the Gother Defendants are denied as moot. plaintiff's motion for "default judgment as a sanction for bad faith conduct" is denied. The FKS Defendants' counter-motion for sanctions is denied.

DATED: 8/9/99

"s/_____"
RONALD M. WHYTE
United States District Judge

(3)

No. 00-1211

Supreme Court, U.S.
FILED
MAR 1 2001
CLERK

In The

Supreme Court of the United States

CHRISTOPHER R. WOJCIECHOWSKI,

Petitioner,

v.

WALT DISNEY CONCERT HALL NO. 1, et al.,

Respondents.

On Petition For Writ Of Certiorari To The U.S. Court Of Appeals For The Ninth Circuit

BRIEF IN OPPOSITION TO THE SUPPLEMENTAL BRIEF FOR RESPONDENTS WALT DISNEY CONCERT HALL NO. 1, WALT DISNEY CONCERT HALL NO. 2, U.S. TRUST COMPANY, N.A. (as Co-Executor of the Estate of Sharon D. Lund), RONALD E. GOTHER (as Co-Executor of the Estate of Sharon D. Lund), HARRY HUFFORD, CANYON OAKS ESTATES L.P., TOPANGA OAKS, INC., ROBERT L. WILSON (an individual), U.S. TRUST COMPANY, N.A., JOHN C. WESTWATER, RETLAW ENTERPRISES, INC., DIANE DISNEY MILLER (an individual), DIANE DISNEY MILLER (as Co-Executor of the Estate of Sharon D. Lund), GIBSON, DUNN & CRUTCHER, RONALD E. GOTHER (individually), JANE LINDSAY WINGFIELD, BENNETT L. SILVERMAN, CHARLES S. BATTLES, JR., and LAUREL BALLARD

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QUESTION PRESENTED

Where a petitioner files a petition for writ of certiorari, then four months later files a supplemental brief under Supreme Court Rule 15.8 seeking to add 32 new respondents and two subsequent appellate court decisions for review, should the Court deny petitioner's request to add these new respondents and subsequent decisions to the original petition proceedings?

LIST OF PARTIES TO THE PROCEEDINGS BELOW

Matter No. 1. In the September 25, 2000 Petition for Writ of Certiorari ("Petition"), petitioner Christopher R. Wojciechowski ("CRW") seeks review of the Ninth Circuit's May 3, 2000 decision and June 28, 2000 order denying rehearing in the matter *Christopher R. Wojciechowski v. Latham & Watkins, William J. Meeske, John P. (Jack) Walker, and Vince Herron*, case No. 99-15702. [Petition, Appendix at 33, 35] The parties to that proceeding are: appellant Christopher R. Wojciechowski; and appellees Latham & Watkins, William J. Meeske, John P. (Jack) Walker, and Vince Herron (the "Latham Defendants").

In the February 5, 2001 Supplement to Petition for Writ of Certiorari ("Supplement"), CRW seeks review of two additional Ninth Circuit decisions.

Matter No. 2. The Supplement seeks review of a December 14, 2000 memorandum decision and January 19, 2001 order denying rehearing in the matter *Christopher R. Wojciechowski v. Walt Disney Concert Hall No. 1, et al.*, case No. 00-15135. [Supplement, Appendix at 7, 8] The parties to that proceeding are: appellant Christopher R. Wojciechowski; and appellees Walt Disney Concert Hall No. 1, Walt Disney Concert Hall No. 2, U.S. Trust Company, N.A. (as Co-Executor of the Estate of Sharon D. Lund), Ronald E. Gother (as Co-Executor of the Estate of Sharon D. Lund), Harry Hufford, Canyon Oaks Estates L.P., Topanga Oaks, Inc., Robert L. Wilson (an individual), U.S. Trust Company, N.A., John C. Westwater, Retlaw Enterprises, Inc., Diane Disney Miller (an individual), Diane Disney Miller (as co-executor of the Estate of Sharon D. Lund), Gibson, Dunn & Crutcher, Ronald E.

LIST OF PARTIES TO THE PROCEEDINGS BELOW – Continued

Gother (individually), Jane Lindsay Wingfield, Bennett L. Silverman, Charles S. Battles, Jr., Laurel Ballard, County of Los Angeles, John P. Shook, Edmund D. Edelman, Larry J. Monteilh, Harry J. Kim, Finer, Kim & Stearns, Harris & Ruble, Shelly B. Thompson (as Co-Trustee of the Lillian B. Disney Trust), U.S. Trust Company, N.A. (as Co-Trustee of the Lillian B. Disney Trust), U.S. Trust Company, N.A. (as Co-Trustee of the Lilliam B. Disney Trust), Robert L. Wilson (as Co-Trustee of the Lillian B. Disney Trust), Robert L. Wilson (as Co-Executor of the Will of Lillian B. Disney), and U.S. Trust Company, N.A. (as Co-Executor of the Will of Lillian B. Disney).

Matter No. 3. The Supplement also seeks review of the Ninth Circuit's November 8, 2000 decision in the matter *Christopher R. Wojciechowski v. United States District Court for the Northern District of California (San Jose)*, case No. 00-70779. [Supplement, Appendix at 11] The parties to that proceeding are: petitioner Christopher R. Wojciechowski; respondent U.S. District Court for the Northern District of California; and real parties in interest Hon. Ronald M. Whyte, Montevideo Partnership, Canyon Oaks Estates L.P., Diane D. Miller (an individual), Diane D. Miller (as Co-Executor of the Estate of Sharon D. Lund), Arthur B. Cook, Hill, Farrer & Burrill, Latham & Watkins, John P. Walter, Brad Godshall, Chris Carlton, Vincent Herron, William J. Meeske, Harry Hufford, Walt Disney Concert Hall No. 1, Walt Disney Concert Hall No. 2, Topanga Oaks, Inc., Robert L. Wilson, U.S. Trust Co., N.A. (as Co-Executor of the Estate of Sharon D. Lund), John C. Westwater, U.S. Trust Co., N.A., Ronald E. Gother

LIST OF PARTIES TO THE PROCEEDINGS BELOW – Continued

(an individual), Ronald E. Gother (as Co-Executor of the Estate of Sharon D. Lund), Charles S. Battles, Jr., Bennett L. Silverman, Jane Lindsay Wingfield, Retlaw Enterprises, Inc., Gibson, Dunn & Crutcher, Edmund D. Edelman, County of Los Angeles, Michael D. Antonovich, The Lund Family Trust, Trustees of The Lillian B. Disney Trust, Shelly B. Thompson (as Co-Trustee), U.S. Trust Co., N.A. (as Co-Trustee), Robert L. Wilson (as Co-Trustee), Executors of The Will of Lillian B. Disney, Robert L. Wilson (as Co-Executor), U.S. Trust Co., N.A. (as Co-Executor), Harry J. Kim, and Finer, Kim & Stearns.

Corporate disclosure statement

Pursuant to Rule 29.6,[1] respondents Retlaw Enterprises, Inc. and Topanga Oaks, Inc. state that they have no parent companies. Respondent U.S. Trust Company, N.A. states that it is a wholly owned subsidiary of U.S. Trust Corporation, which is a wholly owned subsidiary of The Charles Schwab Corporation.

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[1] All Rule references are to the Supreme Court Rules, unless otherwise indicated.

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OPINIONS BELOW

Matter No. 1. In the September 25, 2000 Petition, CRW seeks review of the Ninth Circuit's May 3, 2000 memorandum decision affirming summary judgment, and a June 28, 2000 order denying rehearing. The Ninth Circuit case is entitled *Christopher R. Wojciechowski v. Latham & Watkins, William J. Meeske, John P. (Jack) Walker, and Vince Herron,* case No. 99-15702, on an appeal from the grant of summary judgment in favor of the Latham Defendants in district court case No. CV-98-21139 (the "RICO Action").[2] [Petition, Appendix at 33, 35]

CRW's Supplement now asks this Court to review two additional Ninth Circuit decisions.

Matter No. 2. The Supplement seeks review of *Christopher R. Wojciechowski v. Walt Disney Concert Hall No. 1, et al.,* Ninth Circuit case No. 00-15135, on appeal from the district court's order dismissing the RICO Action against the remaining 32 defendants. In a December 14, 2000 memorandum decision, the Ninth Circuit dismissed the appeal as untimely, and affirmed the district court's denial of a motion for reconsideration. [Supplement, Appendix at 8] The Ninth Circuit denied rehearing on January 19, 2001. [Supplement, Appendix at 7]

Matter No. 3. In addition, CRW's Supplement seeks review of *Christopher R. Wojciechowski v. United States District Court for the Northern District of California (San Jose),* Ninth Circuit case No. 00-70779, on appeal from the

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[2] Respondents are not parties to the May 3, 2000 decision involved in Matter No. 1, and will not address the issues raised by the Petition. [Petition, Appendix at 33, 35]

district court's order of dismissal in case No. CV-99-21236 (the "Civil Rights Action"), a different district court action than that appealed from in Matters Nos. 1 and 2, above. [Supplement, Appendix at 11] The Ninth Circuit denied CRW's petition for writ of mandate.

JURISDICTION

In Matter No. 1, the Ninth Circuit's memorandum decision was entered on May 3, 2000. [Petition, Appendix at 35] An order denying rehearing and rehearing en banc was entered on June 28, 2000. [Petition, Appendix at 33] CRW filed the Petition on September 25, 2000, invoking the jurisdiction of this Court under 28 U.S.C. § 1257.

CRW introduces Matters Nos. 2 and 3 in the Supplement, but cites no authority conferring jurisdiction on this Court to review those additional decisions in this proceeding. CRW filed the Supplement under Rule 15.8, which authorizes a party to file a supplemental brief "calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing." Rule 15.8 does not authorize adding new parties or subsequent decisions for review.

STATUTES OR OTHER PROVISIONS INVOLVED

The main provision raised by the Supplement is Rule 15.8, which provides:

> "Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing. A supplemental brief shall be restricted to new matter and shall follow, insofar as applicable, the form for a brief in opposition prescribed by this Rule. Forty copies shall be filed, except that a party proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2. The supplemental brief shall be served as required by Rule 29.

STATEMENT OF THE CASE

CRW has filed a series of cases – including four actions in the U.S. District Court, Northern District of California – arising out of his dissatisfaction with his 1992 settlement of claims in the bankruptcy of Montevideo Partnership, a real estate project in the Santa Monica Mountains which he had unsuccessfully promoted. The Supplement relates to two of these district court actions: Matter No. 2 involves the RICO Action; and Matter No. 3 deals with the Civil Rights Action.

CRW filed the RICO Action on November 16, 1998. The district court granted summary judgment in favor of

the Latham Defendants, finding that CRW had previously released them. That decision, and the Ninth Circuit's affirmance thereof, is the subject of CRW's original petition herein (Matter No. 1).

At the same time, the district court dismissed the complaint under FRCP 8 and 10 with leave to amend. CRW then filed a first amended complaint, which the district court dismissed without leave to amend under FRCP 8(a), 10(b) and 41(b). The district court entered judgment on August 31, 1999. CRW filed a notice of appeal. The Ninth Circuit issued a December 14, 2000 Memorandum decision dismissing the appeal for untimeliness and other reasons, and affirming the District Court's order denying CRW's motion for reconsideration. [Supplement, Appendix at 8] CRW's Supplement seeks review of that decision (Matter No. 2).

On December 22, 1999, CRW filed the Civil Rights Action. The district court entered judgement against CRW on April 26, 2000. CRW filed a petition for writ of mandate in the Ninth Circuit, which the Ninth Circuit denied on August 14, 2000. On November 8, 2000, the Ninth Circuit denied CRW's petition for rehearing en banc. [Supplement, Appendix at 8] CRW's Supplement also seeks review of that decision (Matter No. 3), which is an appeal from a different trial court action than Matters Nos. 1 and 2.

By filing the Supplement, CRW seeks to add 32 new respondents and two appellate court decisions to the matter raised in the original Petition proceedings.

REASONS FOR DENYING THE WRIT

CRW filed a supplemental brief which he would like considered in addition to the original Petition in this matter. The Supplement does not add new decisional or legislative authority, or any other intervening matter that is germane to the issues raised in the Petition, namely Matter No. 1. Instead, the Supplement raises additional issues, adds new parties and seeks review of additional decisions that should be the subject of separate proceedings, if at all.

The two decisions raised in the Supplement were correctly decided by the courts below. In Matter No. 2, the Ninth Circuit dismissed CRW's appeal in the RICO Action as untimely, and affirmed the district court's denial of a motion for reconsideration. [Supplement, Appendix at 8] In matter No. 3, the Ninth Circuit denied CRW's petition for writ of mandate and petition for rehearing en banc as to the district court's order of dismissal in the Civil Rights Action. [Supplement, Appendix at 11] There is no conflict or any other basis for further review by this Court.

I. There is no compelling reason for this Court to grant a writ of certiorari.

CRW's Supplement provides no compelling reason for this Court to grant a writ of certiorari. Rule 10 provides that a petition for a writ of certiorari will be granted "only for compelling reasons." Rule 10 provides examples of the reasons the Court considers, such as conflicting decision among the circuits.

Here, the decisions in Matters Nos. 2 and 3 do not conflict with the decisions of another U.S. court of appeals, do not conflict with a decision by a state court of last resort, and do not depart from the accepted and usual course of judicial proceedings as to require this Court's supervisory power.

The Ninth Circuit decisions below do not raise any federal question on an important question of federal law that has not been, or should be, settled by this Court. Nor do the Ninth Circuit decisions below conflict with relevant decisions of this Court. The only issues involved in Matters Nos. 2 and 3 concern CRW's dissatisfaction with the Ninth Circuit's factual findings in its decisions against him.

Simply put, there is no compelling reason for this Court to grant a writ of certiorari.

II. By serving the Supplement four months after the Petition was filed, CRW has deprived Respondents of procedural due process.

CRW introduces Matters Nos. 2 and 3 in the Supplement, but cites no authority conferring jurisdiction on this Court to review those additional decisions in this proceeding. CRW filed the Supplement under Rule 15.8, which authorizes a party to file a supplemental brief "calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing." But Rule 15.8 does not authorize adding new parties or subsequent decisions for review.

By using the Supplement to add 32 new parties and seek this Court's review of two additional decisions, CRW attempts an end run around the procedural due process requirements normally afforded to a respondent. By filing the Supplement seeking to add Matters 2 and 3, CRW has made this proceeding needlessly complicated. Aside from having a mere three weeks to oppose the Supplement, Respondents have been forced to respond to the Supplement amid the framework of the Petition, which has a separate appellate history to which Respondents were not parties. If CRW wanted this Court's review of Matters Nos. 2 and 3, he should have filed separate proceedings and followed the proper procedures set forth in Rules 10 through 16.

CRW's failure to comply with procedural due process requirements are sufficient grounds to warrant this Court's denial of the relief requested in the Supplement.

III. Because the Supplement contains misstatements of fact, the relief sought should be denied under Rule 14.4.

CRW's Supplement is replete with inaccuracies which, under Rule 14.4, is sufficient reason for denying the Supplement. Rule 14.4 provides:

> "The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration is sufficient reason for the Court to deny a petition."

It has long been held that a petition to this Court for a writ of certiorari should make a clear, definite and

complete disclosure concerning the controversy, since it is impossible for the Court critically to examine the record before ruling on the application, and it "must rely very largely upon preliminary papers." *Southern Power Co. v. North Carolina Public Service Co.*, 44 S.Ct. 164, 263 U.S. 508, 509, 68 L.Ed. 413, 414 (1924).

The Supplement contains numerous inaccuracies, as follows:

Misstatements of fact or law in the Supplement

1. "The Charles Schwab Corp, by way of it's recent acquisition of U.S. Trust Co. N.A. has assumed legal and financial responsibility for U.S. Trust Co., in it's various capacities, shown above."[3] [Supplement at ii, fn. 1]

2. "The federal questions of Civil Rights abuses & RICO violations are sufficient to sustain this Court's Jurisdiction. . . . " [Supplement at vii]

3. "Petitioner has been deprived of equal protection by Coconspirator's . . . of his absolute right to overturn L&W's and other Coconspirator's, asserted Bankruptcy Fraud. . . . " [Supplement at vii]

4. "Coconspirators, aided and abetted by L.A. County's state courts, covered up the true facts and deprived Petitioner of his federal rights to recover what

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[3] The Charles Schwab Corporation is not a party to these actions. It acquired the ***stock*** of U.S. Trust. A corporate entity does not assume the rights, duties and benefits of another entity which it acquires in a stock purchase. *Berclain America Latina v. Baan Co.*, 74 Cal.App.4th 401, 407 (1999) ("The two entities are assumed to remain separate absent circumstances justifying their treatment as a single entity.")

L&W and the other Coconspirators shown in this Supplement, unlawfully took from him, without just and equitable compensation. . . . " [Supplement at vii]

5. "The diffrence [sic] between the amount he was paid and the amount he was deprived of is $156 million, or 99% of what was his net worth." [Supplement at vii]

6. "On JAN 19, 2001, the other part of this dismissed case, ***the bifurcated part***. . . . "[4] [Supplement at 3] (Emphasis added.)

7. "Judicial economy in this Court shall be served. ***The issues are the same.***" [Supplement at 4] (Emphasis added.)

8. "Defendant's/Conspirators; Walt Disney Concert Hall No. 1, Walt Disney Concert Hall No. 2 . . . Harry Hufford . . . were and still are all in Default. . . . " [Supplement at 4] (Punctuation errors in original.)

9. "Recovery of *significant property* totaling $156 million, which was unlawfully taken from him, must take precedent." [Supplement at 4] (Emphasis original.)

10. "Coconspirators, in what was a stereotype 'Mafia' like take over of Petitioners business, violated Title 42 USC Sec'st. 1983, 1985, 1986 combined with Title 18 USC Sect's. 1503; 1510; 1511; 1512; 1513; 1951; 1952." [Supplement at 4] (Punctuation errors in original.)

11. "The relief sought, in money damages suffered by Petitioner, is the responsibility of all Coconspirators." [Supplement at 4]

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[4] The district court did not bifurcate the RICO Action.

12. "In the rightful presiding Judge's Court. Which is the Court of the Hon. Jeremy Fogel. . . . " [Supplement at 5]

13. "On NOV 8, 2000 yet, another part of this dismissed case, the third part, ***in the same DC Case No. CV 98-21139 RMW,*** on Appeal at the 9th Cir. as Docket Docket [sic] No. 00-70779, was denied."[5] [Supplement at 5] (Emphasis added.)

Among the most egregious misstatements, is the statement that Matter No. 3 is from the ***same case*** as Matters Nos. 1 and 2. [Supplement at 5, ¶ 2] Matters Nos. 1 and 2 involve two Ninth Circuit decisions in separate appeals in the RICO Action, district court case No. ***98-21139.*** [Petition, Appendix at 35; Supplement, Appendix at 8] Matter No. 3 involves a November 8, 2000 Ninth Circuit decision in the Civil Rights Case, district court case No. ***99-21236.*** [Supplement, Appendix at 11]

The district court found the two actions to be related, but they are not the same action. CRW filed them as separate actions when it served his purposes to do so. He now seeks to pretend they are the same action, when his purpose dictates otherwise.

The Supplement also inaccurately states that various defendants, including some Respondents here, "were and still are in default." [Supplement at 4] The district court did not enter default against these defendants. Rather, the

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[5] The November 8, 2000 order is from an appeal in a ***different*** case – the Civil Rights Action – district court case No. CV 99-21236. [Supplement, Appendix at 11]

district court dismissed these Respondents with prejudice, and the appellate court dismissed CRW's appeal in part and affirmed in part. [Supplement at 8]

As shown in the above Misstatements of Fact or Law required by Rule 15.2, CRW's Supplement is replete with inaccuracies which, under Rule 14.4, is sufficient reason for denying the Supplement.

CONCLUSION

There is no compelling reason for this Court to consider Matters Nos. 2 and 3. The Court should not grant a writ of certiorari.

Respectfully submitted,

ARTHUR B. COOK
ARNOLD D. WOO
HILL, FARRER & BURRILL LLP
Attorneys for Respondents
Walt Disney Concert Hall No. 1, et al.

DATED: February 28, 2001

(4)

Supreme Court, U.S.
FILED
MAR 6 200

Docket No: 00-1211

In The
SUPREME COURT OF THE UNITED STATES
October Term 1999

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

V.

WALT DISNEY CONCERT HALL NO. 1 et. al.
Respondents,

On Petition for Writ of Certiorari
To The U.S. COURT of APPEALS for THE NINTH CIRCUIT
Docket No. 99-15702
[Related Cases Docket No. 00 -70779 & 99 15135]

PETITIONER'S REPLY BRIEF TO BRIEF IN OPPOSITION TO: SUPPLEMENT PETITION FOR WRIT OF CERTIORARI

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14 pp

QUESTIONS PRESENTED:

1. Should Respondent's Brief in Opposition, be considered when it does not conform to Rule 33.1 ?

2. Is it not true that, Petitioner's Supplement is permitted pursuant to ?

> *" When two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for writ of certiorari covering all the judgment suffices."* Rule 12 (4).

3. Did not Petition clearly state that, the matters now pending for consolidation, through the Supplement, are identical or closely Related ?

4. Is the untrue Question Presented by Opposing Respondents, just a transparent obfuscation of RICO - Civil Rights violations, by Conspirators attempting to avoid accountability ?

5. Isn't it a fact that, the Constitutional questions in Petition are of National Significance, since the Court decided Bush v. Gore, without a hand count of all the votes in Florida ?

6. Isn't it unthinkable to allow Coconspirators, who are subject to the ***Unclean Hands Doctrine,*** to to represent, advocate and/ or pass judgment on their own Coconspirators at Gibson Dunn & Crutcher, in the matters laid here, before the Court ?

7. Isn't it the Constitutional, issue of National Importance of how far, is too far, in due process, to depend on opinions - from asserted Coconspirator Antonin Scalia, and/or his colleagues who De facto elected Bush, by reason of political bias - without his & their recusal from deliberations in this Petition ?

8. Is it not the best solution, to remand these untried matters forthwith, for jury trial, in the unbiased Court of the Hon. Jeremy Fogel, or in the alternative, Order payment of full satisfaction of damages for injury caused Petitioner by Respondents and other RICO - CIVIL RIGHTS Coconspirators ?

PARTIES TO THE PROCEEDINGS:

All parties to the proceedings, including Arthur B. Cook, and his firm Hill, Farrer & Burrill, now purportedly representing, Gibson Dunn & Crutcher, including Respondents in Opposition Brief, are Coconspirators to RICO - Civil Rights - Antitrust - Securities Fraud - Common Law Fraud violations, identified in the Supplement to the Petition., Case No. C 00 20962. Petitioner, under the California Doctrine of Private Attorney General, is proceeding Pro Se, by reason of the fact that, all lawyers he approached to represent him, refused on the basis of conflicts of interest within the "Fraternity of Lawyers".

Opposition Brief of Respondent's misinforms the Court about Matter No. 3, U.S.C.A. Docket No. 00-70779. It is a Writ of Mandamus to Recuse and/or Disqualify, Coconspirator, Ronald M. Whyte.

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Statement of Jurisdiction, in Reply:

It has been established that, the Court has Jurisdiction to hear this Petition. The Court has Jurisdiction, under it's Rules 12.4 and 15.8, to hear Petitioner's Supplement. The Court has Jurisdiction to here this Reply Brief, under Rule 15.6.

Also, this Court has jurisdiction, under Rule 16. 1, to grant *"summary disposition on the merits."* Petitioner's suggestion in that regard is - to simply consolidate the matters in Supplement with the subject matter in Petition, on the merits presented and remand all matters down to the trial Court of the Hon. Jeremy Fogel, for statutorily mandated jury trial, [1/] or full satisfaction of damages to be paid Petitioner, by Coconspirators directly responsible for injuries caused.

Statement of the Case, in Reply:

Coconspirator, Arthur B. Cook and his law firm, Hill, Farrer & Burrill, are attempting to avoid accountability, for themselves, Whyte, Gibson Dunn & Crutcher and their other clients, by their erroneous and transparent Brief in Opposition, filed:

(a). in violation of Rule 33.1;

(b). maliciously misinterpreting the Rules, by falsely claiming Rule 15.8 solely governs Petitioner's Supplement, when it is known to behemoth law firms that, Rule 12.4 allowed the Supplement to be filed;

(c). with premeditated malice, shown here to be merit less and another example of ***Unclean Hands***.

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1 / see pg. 19 of Appellant's/ Petitioner' s Opening Brief, Docket No. 00 -15135 - Whyte, had no choice but to make certain this RICO/Civil Rights case went to a jury, under Federal Civil Rights Act, Title 42 USC Sect .1983 damage claims are jury triable. The statute specifically provides for an *"action at law"* or a *"suit in equity"*. - Del Monte Dunes at Monterey Ltd. v. City of Monterey (9th. Cir. 1996) 95 F. 3d 1422,1427.

Respondent's Statement of the Case is indeed a Misstatement of Facts:

Facts are not facts, just because a Coconspirator attorney claims they are. The true Statement of the Case, and the true facts, follow:

1. The subject Action arose out of a scheme by which Petitioner was defrauded of $156,377,480.00, more than ninety nine (99%+) of his total assets, starting with false representations by his own attorney's, Latham &Watkins.

2. Since then, a series of complex scheme's and agreement's, between Coconspirator's acting as a RICO *Unit,* caused Petitioner to be deprived of his Civil Rights, to due process, in Conspiracy with Los Angeles & Monterey County employees and federal employees, acting under color of law, all of whom, with premeditated malice, prevented Petitioner's recovery of his $156 million investment.

3. Conspirators formed an association-in-fact for the purpose of defrauding Petitioner. The association-in-fact was a Racketeering *"ENTERPRISE,"* within the meaning of 18 USC Sect. 1962(c), described in the Complaint as the "Sharon D. Lund Enterprise."

4. All Coconspirator's, at relevant times, were "persons" within the meaning of RICO, 18 USC Sect's. 1961(3) & 1962 (a)(b)(c)(d). Also, these "persons" are sued, by reason of the fact that, each of them are individually members of a group of Conspirator's, who agreed among themselves to commit, in their individual capacity, and did in fact commit, in Conspiracy with the law firm of Gibson Dunn & Crutcher, violations of Petitioner's Constitutional rights.

5. All Defendant's named, **"conspired"** and became ***"Conspirators"***, in violation of RICO, 18 USC Sect. 1962((a)(b) (c)(d); CIVIL RIGHTS, 42 USC Sect. 1983, 1985 and 1986, to directly deprive Petitioner of his Civil Rights, to due process and equal privileges under the law, from his $156 million investment.

6. All of the ***Conspirators,*** misrepresented material facts, and some, perjured themselves, in furtherance of object of Conspiracy whereby, they

stuck together like adolescent boys in a fraternity. Petitioner was injured in his business & property, and deprived of: having and exercising his Constitutional right to ownership of his *significant property*, his *invested capital*; and guaranteed privileges of being a citizen of the United States. The Conspiracy was motivated by discriminatory based animus, against Petitioner, a refugee who fought his way out from Nazi occupied Poland, who is a Pro Se litigant, with a foreign name. Who, according to Coconspirator's political beliefs, is not to be allowed equal protection under law, to recover his $156 million investment, because he is not a member of their fraternity.

7. Coconspirator Respondent's submitted their Opposition Brief, for the illegitimate purpose of, again, depriving Petitioner, of due process to Certiorari review, equal protection of law, attempting to cheat him out of his rights.

8. Coconspirators attempt here, is the first test of extremely important National Significance. Shall the politically biased majority on the Supreme Court *"Neglect to Prevent"* deprivation of Petitioner's Civil Rights to due process, in violation of 42 USC Sect. 1985 and 1986, because he rose to challenge Antonin Scalia and the National Republican Committee of being involved in *racketeering activity*, with Gibson Dunn & Crutcher's asserted illegitimate result in the 2000 Presidential Election, in case No. C 00- 20962 ?

9. Coconspirators effort, described in the above paragraph, is an abhorrent exhibition of their moral turpitude and ***Unclean Hands***. Petitioner's guarantees in the Constitution, are abridged, in furtherance of Coconspirators adolescent "Fraternity like", avowed intent, to prevent Petitioner from recovering his $156 million investment, no matter what the cost. These behemoth law firms are scared to death of what will be discovered in a jury trial. That is an Overt act of a De facto government. It could rise to an act of *Treason*, by reason of the fact that, a jury trial, before an impartial tribunal, has been consistently illegitimately denied.

The above, is the true Statement of the Case. Respondents Brief in Opposition is no more than an adolescent exhibition of lies, told in panic, by the

"Fraternity Boys". It is a stereotyped example where "schoolyard bullies" go to their parent's friend, who happens to be the School Principal.

Fortunately, in adult life it is another RICO predicate act, in a series of such acts, devised by Gibson Dunn & Crutcher and the other Coconspirators. It is intolerable to our form of government. It borders on an act of *Treason* against the People of the United States, it's laws and this Democracy. An undesirable segment in our society, the "USA Lawyers Fraternity", has decided to establish a De facto government with the aid of their own kind, member lawyers appointed De facto judges.

Their unbridled, unfettered arrogance, in a proudly created monopoly, has usurped *de jure* Constitutional Democracy, from the People of the United States. They have replace our form of Government in favor of De facto institutions which serve their "fraternal need". Respondents and their Coconspirators, including De facto U.S. District Court Judge, Ronald M. Whyte, are thus on the brink of violating 18, USC Sect. 2381. Under Article III, Sec. 3, they have become the enemy of the People, who still are the Government in these United States.

Evidently, in this Case and perhaps in thousands of other cases, it has become more important for the "Lawyers Fraternity" to be the enemy of the People, than to service them under the law. In the event that public opinion continues to grow and the economy nose dives, it is probable that what is alleged here as just *racketeering activity*, shall become *Treason* under the law of this land.

Pursuant to violating the above Constitutional provisions, Ronald M. Whyte, in violation of his oath of office, could potentially be charged with *Treason*, under the circumstances.

The basis of criminal charges against Whyte, are the Declarations of Petitioner and his wife, Angela Naskar Wojciechowski, filed in the U. S. District Court, Case No. 00 20962, San Jose Div. N.D. CA, served on the Hon. John Ashcroft, Attorney General of the United States, on MAR 2, 2001, contained in "Exhibit G" attached to the Declaration of Christopher R.

Wojciechowski in support of:

"Plaintiff's Request for Leave of Court Before Entry of Judgment to file Motion [L.R. 7-9(a)(b)(3) for Reconsideration of Judge Whyte's Decision filed 02-22-01 etc."

Outline of Respondents - RICO Coconspirators False Statements in Opposition Brief:

On pg -i- the Question Presented contains false facts. Counsel is obviously ignorant of the facts surrounding the filing of the Petition. The falsity in the question is based on counsel's lack of information, with regard to the fact that there was a long period of time between the filing date and the acceptance of the Petition by the Court. In addition, the question alludes to the false fact that, Respondent's were not made aware of when Petitioner filed the Petition or it's Supplement. It was no surprise to Counsel that the Supplement was going to be filed. Counsel for Respondents should have alerted Respondents to be ready for the Supplement.

On pg. -ii- Counsel is attempting to falsely mislead the Court. The Caption on the Petition is clear, in that, the Case is:

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

v.

WALT DISNEY CONCERT HALL NO. 1 et. al.
of which only - - - -, are Respondents.

Walt Disney Concert Hall No. 1, is a party to the bifurcated Order on Appeal, and it is one of Counsel's 14 clients listed as Respondents on Counsel's cap sheet. Incidentally, Walt Disney Concert Hall No. 1 and other Respondent clients of Counsel, are in Default, same as is Latham & Watkins etc. shown in Petition.

On pg. -iii- Counsel for Respondents, falsely asserts that, Case 00-70779 includes the parties Counsel identifies in Matter No. 3. Mandamus is against Coconspirator Whyte, only. All parties identified were served with a copy of 00-70779, including Counsel for Respondents.

On pg. -iv- Counsel for Respondents, falsely

states and misleads the Court that, Topanga Oaks, Inc. has no parent company. In fact, Topanga Oaks, Inc. is the only the General Partner of the Debtor Partnership, Montevideo Partnership aka Canyon Oaks Estates L.P. It has no other function but, to keep open, for no legitimate reason, Bankruptcy Case No.LA 89 27014 WL/ES and Adv. Cases 00-01935 & 00-02291 on Appeal in BAP Cases 00-3002; 00-1627, 00-1812 & Ninth Cir. Crt. of Appeals Docket No.00-56556, Related to 99 15135, presented here for consolidation.

In addition, Counsel for Respondents, failed to Certify, under penalty of perjury, the Corporate Disclosure Statement.

On. pg. 5 (at bottom) Reasons for Denying the Writ: are false, self-serving statements;

I. There is an extremely compelling reason for this Court to grant this Writ of Certiorari. It is, the issue of National Significance stated above. The preservation of Petitioner's Constitutional rights, to recover his $156 million investment, is significant.

II. CRW has not deprived Respondent's of procedural due process. As a matter of fact, in the record, Petitioner served Respondent's Counsel with three copies of Supplement, in booklet form, as is required, on the day that document was filed, 02-02-01. Respondent's Counsel had more than ample time.

III. pg. 3 Respondent's Counsel falsely states that Supplement contains misstatements of fact.

There is no misstatement of fact or law in the Supplement. Requested, relief cannot be granted to Respondents.

On pg. 1, Counsel for Respondents makes a false statement in "Matter No. 1." Respondents certainly are parties to a bifurcated decision in Case Cv 98 21139, where they are Defendants/ Appellees, in a RICO - CIVIL RIGHTS ACTION, not just a RICO Action.

"Matter No. 2." The Ninth Circuit did not dismiss the Appeal as untimely, Circuit Judges Canaby and Ferris denied Gibson, Dunn & Crutcher's Motion in that regard. Respondent's Counsel lies about that fact.
It is asserted that, Coconspirators Shaw and Mc Keown, were later told by attorneys at Gibson Dunn & Crutcher to put Petitioner into "double jeopardy", by

overriding the earlier decision of Canaby & Farris. That fact is in the Record on Appeal.

"Matter No. 3" same false statement by Counsel for Respondents as shown, *"On pg.-iii-"* above.

On pg. 3, Counsel for Respondents, makes a false statement regarding Jurisdiction. The Court has Jurisdiction as shown in Supplement and in Question No. 2 on pg -i- of this Reply Brief. Rule 12.4 holds the opposite of what Respondents Counsel lies about, new parties and subsequent decisions which: " ***involve identical and closely related questions, a single petition for a writ of certiorari covering all judgments suffices"***, Rule 12.4, gave Petitioner the right to file the Supplement.

On pg. 4, Counsel for Respondents, makes a false statement about the Statutes or Other Provisions involved, leaving out facts in paragraph above.

On. pg. 5, Counsel for Respondents, lies about the Statement of the Case see all above paragraphs in this *"Outline of Respondent - RICO Coconspirators False Statements in Opposition Brief"*.

Counsel for Respondent, lies in para. 3. That lie is that, on March 24, 2000, the Court of Appeals took Jurisdiction on Appeal, pursuant to Notice of Appeal timely filed on DEC 8, 1999 from the NOV 12, 1999 final Order of Coconspirator Whyte, when Circuit Judges Farris & Canaby denied Gibson Dunn & Crutcher's Motion to Dismiss Appeal. That Court determined that:

"Appellees' motion to dismiss this appeal for lack of jurisdiction are denied." see pg. 2, II. Statement of Jurisdiction in Appellant's/Petitioner's Opening Brief filed in the subject Docket No. 00-15135 on APR 8, 2000.

On pg. 6, Counsel for Respondents, attempts to mislead the Court about Matter No. 3 (see above),and also misleads the Court about 32 new respondents. He only represents 14 Respondents, not 32.

On pg. 7, in the second paragraph, Coconspirator Respondents make a false conclusory statement.

"The two decisions raised in the Supplement were correctly decided by the courts below." Based on the record and Petitioner's presentation of the facts above,

that is a lie.

At the end of the paragraph they falsely conclude:

"There is no conflict or any other basis for further review by this Court." The National Significance of the issues shown here, the record and the uncontroverted issue, that Petitioner has been defrauded of $156 million, makes that false statement a contemptible lie.

Counsel for Respondents totally disregards clear and convincing evidence and facts surrounding compelling issues presented.

The balance of Respondents Brief in Opposition, re hashes and expands on the false statements exposed above.

Argument & Reasons for Squelching Such Outlandish Disregard for the Court's Own Ability to Make up it's Mind About the Facts of the Conspiracy through which Coconspirators, so far, have Prevented Petitioner's Recovery of his $156 Million Investment

On pg. 4, of Respondent's Opposition papers, is an incomprehensible defiance of comprehending Court's Rules. Respondent's Counsel, quotes the Rule indicating how he is to file their Brief, under Rule 33.1. He and his clients certainly are not proceeding *in forma pauperis*. Non compliance with the "Booklet Format", required in Rule 33.1, is good cause to deny their Brief in Opposition, summarily.

Again, Counsel for Respondent's, misinterprets the Rules, by falsely claiming Rule 15.8 solely governs Petitioner's Supplement, when supplements are also clearly allowed by Rule 12.4, as quoted in *"Questions Presented"* (No. 2) and shown in *Statement of Jurisdiction*. That is another good cause to deny Respondents Brief in Opposition, summarily, see Board of License Comm'rs of Tiverton v.Pastore, 469 U.S. 238 (1985); also Fusari v. Steinberg, 419 U.S. 379. 391 (1975).

However, such a delay also *obstructs* and denies Justice for Petitioner.

Instead, Petitioner requests Relief by way of

having the Court issue remand to all Cases brought here, down to the impartial trial Court of the Hon. Jeremy Fogel, for the statutorily mandated jury trial, pursuant to 42 USC 1983, or full satisfaction of damages caused by Coconspirators, based on the following facts:

On FEB 2, 2001, Petitioner, requested of The Hon. John Ashcroft, Attorney General of the United States, to instigate, as soon as possible, the requested investigation under RICO, 18 USC Sect. 1961 (8), of Coconspirator Ronald M. Whyte

That request, of the Attorney General, was triggered by a series of recent filings, in Related Case 00 20962 and objections of Petitioner (Plaintiff as follows).

(a). Plaintiff's Objection & Opposition Papers to Coconspirators -Defendant: O'Melveny & Myers', Stuart P. Tobisman's; Warren Christopher's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties.

(b). Plaintiff's Objection & Opposition Papers to Coconspirators-Defendant: Arthur B. Cook's; Hill, Farrer & Burrill's and Scott L. Gilmore's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties.

(c). Plaintiff's Objection & Opposition Papers to Coconspirators -Defendant: Latham & Watkins', John F. ("Jack") Walker's, William J. Meeske's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties. (Including the accompanying three (3) Counter Motions, submitted with the Proposed Order & the three (3) Objections to the above parties Request for Judicial Notice's.

The Relief Requested of the Attorney General is that, Judge Ronald M. Whyte, be replaced by the Hon. Jeremy Fogel, to preside over this Case.

Judge Fogel was chosen, at random, pursuant to FRCP 3, and Local Rule 3.-2(e), 3.-3(a), to preside over the Original RICO - CIVIL RIGHTS ACTION, which is the subject of the Petition for Writ of Certiorari and Supplement.

The Grounds for Relief, requested of the Attorney General, are clearly shown in that document, a copy of

which shall. be made available to the Court, on request, or in the alternative, the Attorney Generals's office can supply a copy in Washington D.C., immediately.

CONCLUSION:

Based on the above facts, RICO & Civil Rights statutes, and Constitutional guarantees, afforded Petitioner, he hereby requests that this Court: (a). grant Certiorari on the merits; (b). under it's supervisory power, replace Coconspirator Whyte, henceforth, with the Hon. Jeremy Fogel, as the Presiding Judge; and (c). remand all consolidated cases in Petition and Supplement, for a Jury Trial, forthwith, to Judge Fogel.

In the alternative, based on the unlimited power of the Court evidenced in Bush v. Gore, Petitioner requests equal protection here, in that, the Court Order Respondents/Coconspirators, pay full satisfaction with prejudgment interest at the legal rate, up to the time the $156,377,480 investment is returned in full to Petitioner, plus all costs of suits and legal fees, under the Private Attorney General Doctrine. All to be paid no later than 10 days from entry of Order.

Petitioner, requests that the Attorney General of the United States, initiate the required RICO investigation against Ronald M. Whyte, as soon as possible.

Submitted on MAR 5, 2001, at Monterey, County California.

Christopher R. Wojciechowski. Petitioner
Private Attorney General, Pro Se